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THE REGIMENTAL
STAFF OFFICERS' DUTY COMPANION

AND

A GUIDE

TO THE

EXAMINATION OF INFANTRY OFFICERS,

FOR

ADMISSION TO THE STAFF CORPS;

CONTAINING

THE TESTS PRESCRIBED BY GOVERNMENT GENERAL ORDERS,
No. 581, OF 27TH JUNE 1864, FOR ADMISSION
TO THE NATIVE INFANTRY.

BY

MAJOR-GENERAL W. F. NUTHALL,
BENGAL ARMY.

"To know that which before us lies in daily life, is the prime Wisdom."—MILTON.

SECOND EDITION.

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TO

COL. SIR ARTHUR P. PHAYRE, K.C.S.I. & C.B.,

BENGAL STAFF CORPS,

LATE CHIEF COMMISSIONER OF BRITISH BURMAH,

IN HONOR OF

A LONG AND SINGULARLY SUCCESSFUL ADMINISTRATION

OF THAT INTERESTING COUNTRY,

AND IN REMEMBRANCE OF

MANY ACTS OF STEELING FRIENDSHIP,

THIS WORK IS RESPECTFULLY

DEDICATED BY THE

AUTHOR.

PREFACE TO THE FIRST EDITION.

THE possession of numerous Questions and Answers on the various duties of Infantry Officers of the Bengal Army, prepared by the Author, in his capacity as Commanding Officer of a Regiment and subsequently of a District, for the examination of Officers under his command (and the frequent application for the loan of the manuscript by young Officers preparing for examination for the Staff Corps), has induced him to supply his Service with a work much needed, and if in doing so he should be the means of promoting the efficiency of the junior Officers of the Bengal Army, he will deem his labours well recompensed.

It is not, however, for the Junior Officers only that the work is intended. In no duty is error more frequently committed by old and even experienced officers than in conducting Courts Martial; nevertheless, there is no work extant which gives concise information on Military Law and Procedure, particularly in matters specially applicable to India. The Author has, therefore, endeavoured to epitomize the salient points of Law, and to collect such Memoranda, Instructions, General Orders, and Circulars as have, from time to time, been issued by his Excellency the Commander-in-Chief. This portion of the work should, therefore, prove as useful to Officers of the British Service, as it will, doubtless, be to their brethren of the Indian Army, who are constantly associated with them on District and General Courts Martial duty.

From the foregoing remarks, it will be understood that the work is not exclusively a guide for the use of Probationers for the Staff Corps. The object has been to make it more generally useful, and, in this view, much information has been introduced to which the Regimental Staff have constantly to refer, and in which General and Commanding Officers are required to ascertain by

personal examination, that those under their command are proficient.*

The General Orders have been carefully collated up to the latest date, and where any Order amends or modifies an existing

* CIRCULAR, No. 8200.

ADJUTANT GENERAL'S OFFICE,

Head Quarters, Simla, 30th June, 1882.

To

THE OFFICER COMMANDING ——— District.

Sir,

Examination of Officers.

THE Commander-in-Chief considering it of the highest importance that the Confidential Reports of the periodical inspections of Regiments should contain the most ample and minute particulars not only regarding the drill, discipline, and interior economy of the Corps, but also in respect to the professional knowledge and capacity of each individual Officer, particularly of the Officer Commanding and the Adjutant, has directed me to annex copy of a General Order on this subject, issued to Her Majesty's British Troops, in 1860, and to request that more complete information on these essential points may be afforded in future, with a view to the qualifications of all European Officers being brought under the notice of His Excellency.

In furtherance of this object, Sir Hugh Rose desires that all Officers Commanding Corps of Cavalry and Infantry may be directed to assemble their Officers once a week when practicable, and examine them in the drill, instruction, and the duties which belong to their respective arms; and I am to beg that it may be pointed out to Commanders, that unless instruction be imparted in the manner indicated, the interests of those under their authority are likely to suffer very materially when examined by Reviewing Officers, whose duty is to report at their half-yearly inspections on the merits or demerits of each individually, and by name, particularly as regards their knowledge of Company, Battalion, and Light Infantry Movements, and of Out-post duties, as also on their acquaintance with the Articles of War.

I am to add, that in the event of any Officer giving proof of marked inefficiency, and of being obviously unlikely to qualify himself for the performance of his duties with advantage to his Regiment, a Special Report of his inaptitude and unfitness is to be made for the information of His Excellency; in the same manner full information is to be given of Officers who evince aptitude, zeal, intelligence, and knowledge of their duties; and when any Officer has been absent from his duty for an unusual length of time, full particulars are to be furnished.

I have, &c,

(Signed) E. B. JOHNSON, Lieut.-Col.,

Offg. Adj. Genl. of the Army.

General Order, Her Majesty's British Forces, No. 140, dated 1st Oct., 1860.

His Excellency the Commander-in-Chief having had before him the Half-Yearly Inspection Reports of Her Majesty's British Regiments in India,

regulation, it has been introduced, and its number and date have been given to facilitate reference.

The work will be revised as occasion requires.

And it necessary to remark upon the very meagre replies of several of the Inspecting Officers to the questions in the Confidential Reports, as well as the absence of that information which should be afforded under the head "General Observations."

Under the latter should be mentioned, in addition to the general efficiency of the Regiment, the names of any Officers who evince a marked knowledge of *their professional duties, and zeal in performing them, as well as of those who have not given proof of the same good dispositions.* Sir Hugh Rose's great wish is to advance promising young Officers, and it is through the medium of the General Observations that he should be informed of their merits. If this information is not accorded, he is unable to do justice to them and to the rights of the Service, and trusts that at future inspections, the greatest attention may be paid to this important duty.

(True Copy)

(Signed) E. B. JOHNSON, *Lieut.-Col.*,

Offg. Adjt. Genl. of the Army.

PREFACE TO THE SECOND EDITION.

The many and important changes which have been made in the Articles of War, both European and Native, since the first Edition of this Work appeared, have necessitated its revision and correction, in order that it may continue to receive the patronage which has hitherto been accorded it.

Nothing can afford more satisfactory evidence of its use, and of the manner in which it has conduced to the service of the Bengal Staff Corps, than the demand for the first Edition; and this the Author trusts is a hopeful augury for the reception of the second.

To the obligations already expressed for assistance, the Author desires to acknowledge the aid he has received from Major Ned-
ham, Deputy Judge Advocate, in revising the Chapters on Military Law and Procedure and Courts Martial in this Edition.

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Extract from Government General Orders, Military Department,
No. 531, dated 27th June, 1804.

RULES .

UNDER WHICH INFANTRY OFFICERS ARE ADMISSIBLE
TO THE BENGAL STAFF CORPS, FOR APPOINT-
MENT TO THE NATIVE INFANTRY.

I. Knowledge of the Native Articles of War and the Military Regulations of the Presidency, particularly all such as affect the conduct of Native Troops, their pay, pension, clothing, &c., which is to be tested by an examination of a somewhat searching character, consisting of not less than fifty questions and answers, all of which are to be recorded in the report of the examination.*

II. Knowledge of the system pursued in the Native Infantry, and especially in the Regiment to which the Officer has been attached, as to the mode of investigating and dealing with offences, complaints, and petitions from the men. The manner in which the rosters for furlough and guard are kept. The deductions made from the men's pay on account of half-mounting, or for other purposes, and the system of accounts followed in the Corps, together with an acquaintance with all the forms in use.

III. Knowledge of every article of equipment used by the men of the Regiment, their usual or fixed costs, mode of carrying them, &c.

IV. Ability to act as Adjutant on parade, to be tested on parade with a Battalion, with a knowledge of reconnoitering and out-post duty, and ability to write a report of a "reconnoissance." This report must be written in a legible hand.

V. The probation will extend over one year, at the end of which period the Commanding Officer of the Regiment to which the candidate has been attached will apply for a Committee of Examination. This Committee will be assembled only at the Head Quarters of Divisions or Brigades, and will be presided over by the General Officer or Brigadier-General Commanding.

* To be prepared in left margin, and the corrections to be made in the margin in red ink. Standing Orders, 1805, page 18.

with two Commandants of Native Regiments, or one Commandant and one Second in Command, as Members.

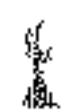
VI. The Committee will give their opinion in succession on all the points noticed above, and conclude by saying that they consider the Officer qualified (or not, as the case may be,) for permanent employment with Native Troops. They are to embody in the report a statement as to whether the candidate has had the opportunity afforded him of acting as Adjutant on parade, or has been detached under a senior Officer on escort duty, and whether he has been in the habit of frequently attending orderly room with the Commanding Officer and thereby obtained a full insight into the system of the Regiment. This report is to be sent through the Divisional-General to the Adjutant-General, who will transmit it, accompanied by the opinion of the Commander-in-Chief, to the Government of the Presidency, when, if approved, the Officer will be gazetted to the Staff Corps with effect from the date on which he commenced his period of probation.

VII. It is to enable an Officer to show his aptitude for, and zeal in, the performance of his Regimental duties that the period of a year has been fixed for his probation.

VIII. During this time, in which the Officer should be employed as indicated above, including, if possible, detachment duty, his Commanding Officer should satisfy himself that his temper and general habits are such as to render him an efficient Officer of Native Troops. At any time during the period of probation, it will be open to the Commanding Officer to represent to the Commander-in-Chief that he does not think the probationer, either from temper or other cause, suited for employment with Native Troops; in which case it will be competent for the Commander-in-Chief, if satisfied with the reasons assigned, to direct the Officer to re-join his Regiment, or, if in the local service, to duty elsewhere.

IX. As a rule, an Officer who fails, at the expiration of one* year's probation, to pass a satisfactory examination, will revert to his proper Corps or to general duty; but, under very special cases, an Officer so failing may be allowed to continue with the Regiment to which he is attached, and to undergo another and a final examination at the end of eighteen months.

* See S. O., No. 71 of 20th March, 1869.



EXAMINATIONS.

Extract from G. G. O., No. 734 of 9th Sept., 1864.

IV. The object of the Second Standard is to insure that Officers passing it shall have acquired such a knowledge of the Hindoostanee language as shall qualify them, so far as that language is concerned, for general employment on the Staff, and for admission to the Staff Corps.

V. To this end candidates will be tested as to their ability :
1.—To read and construe passages in Books of ordinary difficulty in Urdu and Hindi. 2.—To make accurate and idiomatic written translations from English into Hindoostanee in both the Persian and Devi-Nagari characters. 3.—To read and translate Petitions, Native letters, &c., in Urdu and Hindi. 4.—To converse with educated or uneducated Natives of India.

TESTS.

First.—Reading fluently, and construing with readiness and accuracy, not less than an ordinary octavo page of the under-mentioned Works :—

1. The Bagh-o-Bahar.

2. Selections from the Prose of the Prem-Sagar : To consist of the first half of that Book, that is, to the conclusion of the 45th chapter, page 122, exclusive of the verses.

G. G. O. C., 21th
August, 1865.

Second.—Translating accurately, and with correctness of idiom and grammar, not less than half an ordinary octavo page of plain English into language similar to that of the Bagh-o-Bahar in the Persian character, and an equal amount in the Devi-Nagari character into language similar to that of the Prem-Sagar.

Third.—Reading fully, and translating readily and correctly, Hindoostanee manuscripts written in both the Persian and Devi-Nagari characters.

These MSS. may be selected from the Proceedings of a case in Court, from reports or petitions addressed to Civil or Military Authorities, from letters passing between Natives of India in the ordinary course of business, or from private correspondence. They should not be written with the clearness of a printed Book, nor yet in a cramped or crabbed hand, but in such a manner as fairly and honestly to represent the written characters as practi-

cally employed in the Presidency or Province in which the examination is held.

Fourth.—Conversing with the examiners or with Natives of India with fluency, and with such correctness of pronunciation, grammar, and idiom, as to be at once intelligible.

Every candidate passing an examination at once by the Second Standard will be entitled to receive an allowance of Rs. 360.

FORMS.

PROCEEDINGS of a COMMITTEE OF EXAMINATION held at
on the by order of HIS EXCELLENCY THE COMMANDER-
IN-CHIEF to ascertain the fitness of LIEUTENANT
for admission to the Bengal Staff Corps.

PRESIDENT :

Commanding Division.

MEMBERS :

Commanding Regiment, N. I.

2nd in Command, Regiment, N. I.

The Committee met at 6 A. M. on the Parade of
Regiment N. I., for the practical examination
of the candidate, and at 10 A. M., at
and continued the examination on the subjects specified in paras.
1, 2, 3 and 4 of G. O. No. 581 of 27th June, 1864.

The candidate proved his ability to act as Adjutant on Parade,
and showed he possessed a good knowledge of out-post duties,
and the Committee consider the result of the practical examina-
tion creditable to him, *or as the case may be.*

His written replies to the questions given to him are herewith
attached, and the Committee consider that they *show* he has
a good knowledge of his professional duties generally, *or as the
case may be.*

His Commanding Officer's Certificate is also attached, and
the Committee has ascertained that he has had opportunity
afforded him of acting as Adjutant on Parade, or has been on
independent detached Command (as the case may be), and has
been in the habit of frequently attending orderly room with the

Commanding Officer and has thereby obtained a full insight into the system of the Regiment.

Under all these circumstances, together with the Commanding Officer's report of his temper, habits, and qualifications, the Committee is of opinion that Lieutenant is eligible for appointment to the Bengal Staff Corps for employment with Native Troops.

To be signed by the President and Members.

To enable the Committee to embody in their Report the information required in paras. VI and VIII of the foregoing Government Orders, the Commanding Officer should inform the President, either by letter or certificate, whether the candidate has had opportunity afforded him of acting as Adjutant on Parade, or has been on Detached Command, and has frequently attended orderly room with him and thereby obtained a full insight into the system of the Regiment, and also whether his temper and general habits are such as to render him an efficient Officer for Native Troops.

CERTIFICATE OF COMMANDING OFFICER.

Certified that **LIEUTENANT** of the _____ Regiment, a candidate for the Bengal Staff Corps, completed (2)* two years' duty with a Regiment, on the _____, one year of which, (or the whole period of which, as the case may be,) was spent in India.

Lieutenant _____ has passed the examination in the Native languages, and has attained such a knowledge of his drill and duty as an Officer of Infantry in all its branches as to qualify him for the Command of a Company in all situations.

He also possesses a fair knowledge of the Articles of War and of the Queen's Regulations, as well as of the Military Regulations of the Bengal Presidency, besides having gained some general acquaintance with the organization and nature of the duties of all branches of the Army serving in Bengal.

I further certify that, during the period Lieutenant _____ has served with this Regiment, he has been attentive to his duty and that his conduct has been, in all respects, unexceptionable.

Station and Date.

Commanding

Regiment, N. I.

* Reduced from three to two years, vide G. O., No. 218 of 26th June, 1868. See also G. O., No. 320 of 21st October, 1868, permitting the two years to count from date of first Commission.

SURGEON'S CERTIFICATE.

I certify that, to the best of my belief, Lieutenant
is in good bodily health, and apparently well capable of undergoing
the vicissitudes of the service in India.

Station and Date.

Surgeon, Regiment.

ORDERS REGARDING ADMISSION.

S. O., No. 134 of 20th May, 1869.—Under instructions from His Royal Highness the Field Marshal Commanding-in-Chief, the Commander-in-Chief is pleased to notify that Commanding Officers of British Regiments are to give the fullest encouragement to officers under their Command to prepare themselves for the Staff Corps, and to enter as probationers, and are on no account to put any obstacles in the way of their doing so.

S. O., No. 150 of 31st May, 1869.—In continuation of the orders, as per margin, candidates for the Staff Corps who desire to receive the price of their Commissions are cautioned to send in their applications for the Staff Corps in sufficient time to allow for contingencies, with special reference to the fact that the period of probation counts from the date of appointment on probation with the sanction of Government, and not from that on which their papers may first reach their Commanding Officer.

*THE INDIAN ARTICLES OF WAR.

Q. What Act of the Governor-General of India in Council legalizes the Indian Articles of War?

A. Act V of 1869.

PART I.

APPLICATION OF THE ARTICLES.

Q. To what classes of the Native Army are the Articles contained in Part II of this Act applicable?

A. To Commissioned Officers.

Sub-Assistant Surgeons.

Hospital Assistants.

Native Doctors.

Warrant Officers.

Non-Commissioned Officers.

Hospital Attendants of any class.

Trumpeters, Buglers, Drummers.

Musicians.

Soldiers.

Unattested Recruits.

Lascars, Muhauts, Drivers.

Farriers, Sycos, Grass-cutters.

Artificers, Laborers.

Sutlers, Followers, public or private, and all other persons attached to, or serving with any portion of, the said Army.

PROVISO.

Q. Is any British-born subject, or any legitimate Christian lineal descendant of such subject, liable and punishable under Part II of the Articles?

A. No, unless for breach of the 123rd Article.

Q. How are such classes triable?

A. As if they belonged to Her Majesty's British Forces.

Q. Is any American or Christian European, or any Christian lineal descendant of such, triable by a Court Martial composed of Native Commissioned Officers?

A. No.

Q. How are such classes triable?

A. By Courts Martial composed of European Officers only.

Q. Are such classes in all other respects triable by the Indian Articles of War?

A. They are, as though they were Natives of British India.

INTERPRETATION CLAUSE.

Q. How are the words "Army" and "Service" interpreted by the Indian Articles of War?

A. "Army" means Her Majesty's Indian Army, and "Service" means service in that Army.

Q. How is Commissioned Officer interpreted?

A. It includes all Officers holding Commissions in the native ranks of the Army, whether they be purely Native, or of a mixed European and Native extraction.

Q. How is "European Officer" interpreted?

A. It includes all European Officers holding Commissions in such Army, or in Her Majesty's British Army.

Q. How is "Commanding Officer," or "Officer Commanding," interpreted?

A. It means the European Officer in actual command, for the time being, of any Force, Division, District, Regiment, Corps, Detachment, or Depôt, as the case may be.

Q. How is Judge Advocate interpreted?

A. It means any European Officer duly authorized to officiate as Judge Advocate.

Q. How is "Soldier" or "Soldiers" interpreted?

A. It includes all Non-Commissioned Officers and all armed persons doing duty in the ranks of the Army.

Q. How is "Deserter" interpreted?

A. It means a person, subject to the Articles of War, who has deserted from the Army.

Q. How are the expressions "assault," "criminal force," "dishonestly," "extortion," "fraudulently," "grievous hurt," "hurt," "theft," "voluntarily causing grievous hurt," "reason to believe," "wrongful gain," and "wrongful loss," interpreted by the Articles of War?

A. They shall be severally taken to have the meanings assigned to them in the Indian Penal Code.

Q. Are the powers of Cantonment Magistrates, Commissariat Officers, Officers in charge of the Police in Cantonment, and Superintendents of Military Bazaars, affected by this Act?

A. They are not.

PART II.

TITLE I.

ENLISTMENT, DISMISSAL, AND DISCHARGE.

ARTICLE 1.

Q. What Articles shall be read and explained to every Recruit prior to being enrolled in any Regiment or Corps?

A. The 7th, 8th, 9th, 10th, 11th, 24th, 28th, and 53rd.

Q. What do these Articles respectively specify?

A. The 7th, mutiny and sedition; the 8th, violence to superiors; the 9th, disobedience; the 10th, desertion; the 11th, re-enlistment without having been discharged; and the 24th, the punishment for the foregoing offences:—The 28th, refusal to assist in making any field work; and the 53rd, the punishment for such refusal.

Q. When shall Recruits be affirmed?

A. When reported fit for duty.

Q. What is the process of affirmation?

A. A declaration or charge shall be made to the Recruit by the Officer Commanding, in front of the Regiment or such portion thereof as shall be present, and he shall then make the prescribed affirmation.

ARTICLE 2.

Q. What classes, hereafter enrolled or enlisted under these Articles, shall be attested?

A. Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, Warrant Officers of any Department, Trumpeters, Buglers, Drummers, Mudehans, Soldiers, Lanceurs, Mahouts, Drivers, Carriers, Syces, and Crosscutters.

Q. What Articles shall be read to every person, enrolled under these Articles, at the time of his attestation?

A. Articles 3rd, 4th, 5th, 7th to 71st inclusive, 90th to 94th inclusive, 130th to 139th inclusive, and 154th, 167th, and 176th.

ARTICLE 3.

Q. Under what authority is a Commissioned Officer liable to dismissal from the service?

A. By sentence of a General Court Martial, or by order of the Governor-General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs.

Q. What does such dismissal further involve?

A. Forfeiture of all claim to pension.

ARTICLE 4.

Q. Under what authority is any person, subject to the Articles of War, other than a Commissioned Officer, liable to dismissal from the service?

A. By sentence of *any* Court Martial empowered to try him, and by order of the Governor-General of India in Council, or of the Commander-in-Chief of the Presidency to which he belongs.

Q. What does such dismissal further involve?

A. Forfeiture of all claim to pension.

ARTICLE 5.

Q. If an attested person of or below the rank of Non-Commissioned Officer, who has been dismissed or discharged from the service subsequently re-enters the service without stating the facts of his dismissal or discharge, to what punishment *may* he be subjected?

A. He *may* be dismissed the service by the Officer Commanding the Regiment with which he is serving.

ARTICLE 6.

Q. With what document shall every attested person, who is dismissed or discharged from the service, be furnished by his Commanding Officer?

A. With a certificate in the English language and in the mother tongue of such person.

Q. What shall such certificate set forth?

A. The authority for dismissal, the cause of dismissal, and the period of his service in the Army.

TITLE II.—MILITARY OFFENCES.

CHAPTER I.

ARTICLES 7 to 23.

Q. Specify in a general way the crimes for which any person, subject to the Indian Articles of War, shall be tried by a General Court Martial?

A. 7, For mutiny and sedition; 8, violence to a superior; 9, disobedience; 10, desertion; 11, re-enlistment without having been discharged; 12, sleeping on or quitting post in time of war; 13, plundering when Sentry; 14, abandoning any Garrison or post; 15, betraying watch word; 16, corresponding with the enemy; 17, assisting the enemy; 18, releasing prisoners; 19, misbehaviour in presence of the enemy; 20, seeking plunder during an action; 21, quitting guard in time of war; 22, assaulting persons bringing provisions; 23, causing false alarm in time of war.

ARTICLE 24.

Q. What powers has a General Court Martial in the foregoing cases?

A. To sentence an offender to suffer death, or transportation for life, or imprisonment (with or without hard labor, and with or without solitary confinement,) for a term which may extend to fourteen years, or such other punishment as such Court is empowered to award.

Q. Whenever any person is convicted of an offence punishable with death, what further punishment does such convictions involve?

A. The forfeiture to Government of all his property, moveable and immoveable.

CHAPTER II.

ARTICLES 25 TO 52.

Q. Describe generally what offenders are punishable by Courts Martial, otherwise than by death or transportation?

A. 25, Any Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, who behaves in a manner unbecoming his position and character; and 26, any person, subject to these Articles, who becomes intoxicated when on or for duty; or 27, who strikes or forces a Sentry; or 28, who harbours a deserter; or 29, who enlists a deserter; or 30, who absents himself without leave; or 31, who being on leave in time of service fails to rejoin; or 32, who fails to attend parade without sufficient cause; or 33, who without leave from his superior quits the parade or line of march; or 34, who without leave quits his guard in time of peace; or 35, who being in command of a guard refuses to receive, or releases any prisoner, or negligently suffers his escape; or 36, who leaves his arrest or confinement without authority; or 37, who is *grossly* insubordinate to his superior Officer in the execution of his office; or 38, who refuses to superintend or assist in making any field-work, or other Military work, *in quarters* or in the field; or 39, who impedes a Provost, or refuses to assist him in the execution of his duty; or 40, who strikes or ill-treats a subordinate; or 41, who commits extortion; or 42, who in time of peace commits house-breaking or plunder; or 43, who being in command fails to render due reparation to any injured person, or to report the case to proper authority; or 44, who defiles any place of worship, or wounds the religious feelings of any person; or 45, who accepts or agrees to accept any gratification as a motive for procuring any advantage or indulgence for any person in the service, or 46, who in time of peace intentionally occasions a false alarm; or 47, who designedly or through neglect injures or loses or makes away with any Regimental necessaries; or 48, who attempts to commit suicide; or 49, who when off duty appears, carrying a sword, bludgeon, or other offensive weapon without authority so to do; or 50, who being a Sentry in time of peace sleeps upon his post, or leaves it without permission; or 51, who without proper authority is found two miles or upwards from camp; or 52, who without permission is absent from Cantonment or lines after tattoo, or from camp after retreat beating.

ARTICLE 53.

Q. What are the punishments for the offences mentioned in the foregoing Articles?

A. Any person, subject to these Articles, shall, on conviction by *any* Court Martial competent to try him, be sentenced to such punishment (other than death or transportation) as such Court is empowered to award.

CHAPTER III.

ARTICLE 54.

Q. What crimes are punishable with dismissal from the service?

A. 54, Dishonest misappropriation of any money or other property of Government entrusted on the public account, or dishonestly receiving any such property, knowing it to have been misappropriated; or 55, wilfully destroying or injuring any property of Government entrusted on the public account; or 56, giving false evidence before any Court Martial or other Military Court competent to administer an oath or affirmation.

ARTICLE 57.

Q. How are the foregoing crimes tried?

A. By General, District, or Garrison Courts Martial.

Q. If tried by a General Court Martial, how shall the offender, if convicted, be punished?

A. He shall be dismissed the service, and forfeit any arrears of pay and allowances due at the time, and shall be punishable also with imprisonment (with or without hard labor, and with or without solitary confinement) for a term which may extend to three years.

Q. If tried by a Garrison or District Court Martial, how shall the offender, if convicted, be punished?

A. He shall be liable to any or all the penalties which such Court may inflict for disgraceful conduct.

CHAPTER IV.—DISGRACEFUL CONDUCT.

ARTICLES 58 to 65.

Q. What crimes come under the designation of disgraceful conduct?

A. 58, malingering; 59, wilfully causing hurt to himself or any other persons; 60, theft of any property of Government, or of any person in the service, or receiving property, knowing it to have been stolen; 61, dishonestly misappropriating any property of Government entrusted for any purpose, or receiving any such property, knowing it to have been misappropriated; 62, obtaining pension by false statement; 63, furnishing false returns; 64, other fraudulent offences; 65, offences of a cruel, indecent, or unnatural kind.

ARTICLE 66.

Q. How are the foregoing offences tried?

A. By General, District, or Garrison Court Martial for disgraceful conduct.

Q. If the offender is convicted, to what punishment is he liable?

A. To any or all of the penalties awarded by such Court for disgraceful conduct.

CHAPTER V.—OFFENCES AGAINST COURTS MARTIAL.

ARTICLES 67 to 69.

Q. What are the general nature of offences against Courts Martial?

A. 67, Refusal to attend, or to be sworn, or to answer questions, or to deliver up any Book or Document: 68, contempts or violence in presence of a Court Martial whilst sitting.

Q. How are such offenders punished?

A. They shall, on conviction by the same or any other Court Martial, which is competent to try them, be liable to such punishment as such Court is empowered to award.

CHAPTER VI.—UNSPECIFIED OFFENCES.

ARTICLE 70.

Q. What offences come under the designation of *unspecified Offences*?

A. All offences, acts, or omissions not specified in the Articles of War, if they be prejudicial to good order and military discipline.

Q. How are such offences punished?

A. According to the nature and degree of the offence by any Court Martial empowered to try the offender.

ARTICLE 71.

Q. What meaning has *abatement* of an offence?

A. That which is assigned to it in the Penal Code, Sections 107 and 108.

Q. What is the punishment for abatement of an offence?

A. In certain cases that which may be awarded for the offence itself, and in certain others one-half of the penalty which may be awarded.

Q. If the offence is punishable with death or transportation for life, to what extent is its abatement punishable?

A. With transportation for a term not less than seven years, or with imprisonment (with or without hard labor, and with or without solitary confinement) for a term which may extend to ten years.

TITLE III.

CHAPTER I.—COURTS MARTIAL.

ARTICLE 72.

Q. How many kinds of Courts Martial are there ?

A. Eight.

Q. What are they ?

A. 1 General Courts Martial.

2 Detachment General Courts Martial.

3 District Courts Martial.

4 Garrison Courts Martial.

5 Regimental Courts Martial.

6 Regimental Detachment Courts Martial.

7* Detachment Courts Martial.

8 Summary Courts Martial.

1.—*General Courts Martial, Appointment of.*

ARTICLE 73.

Q. By whom may a General Court Martial be appointed ?

A. By the Commander-in-Chief, or by an Officer authorized by warrant of the Commander-in-Chief, or by an Officer in command of Native troops by order of the Governor-General of India in Council, or by warrant which the Governor-General of India in Council has empowered the Commander-in-Chief to issue.

Composition of.

ARTICLE 74.

Q. If a General Court Martial be held in British India, of what number of Officers shall it consist ?

A. Of not less than nine Commissioned Officers.

Q. If held out of British India, of what number shall it consist ?

A. Of seven Commissioned Officers, if a greater number cannot be conveniently assembled.

ARTICLE 75.

Q. If a General Court Martial be appointed under the authority of an Order in Council, of what number of Officers shall it consist ?

A. Of not less than five Commissioned Officers.

Q. Of what class of Officers shall such Court be composed?

A. If so provided in the Order, either of European or of Native Commissioned Officer at the discretion of the Convening Officer.

Powers of.

ARTICLE 76.

A. What powers has a General Court Martial?

Q. Power to try all persons subject to the Articles of War accused of mutiny or of any other offence punishable under Act V of 1860.

Q. To what punishments can such Court pass sentence?

A. To sentence of death; transportation for life or for any period not less than seven years; Imprisonment (with or without hard labour, and with or without solitary confinement) for any term not exceeding fourteen years; dismissal from the service; suspension from rank, pay, and allowances for any stated period; degradation; loss of standing; reduction to the ranks; corporal punishment not exceeding fifty lashes; forfeiture of additional pay; good conduct pay; and claim to pension; forfeiture of arrears of pay and allowances; stoppages.

Q. Whenever any person is convicted of any offence for which he shall be transported or sentenced to imprisonment for a term of seven years or upwards, to what additional punishment may the Court adjudge him.

A. To forfeiture of all the rents and profits of his moveable and immoveable estates during the period of his transportation or imprisonment.

2.—*Detachment General Court Martial, Appointment of.*

ARTICLE 77.

Q. Under what circumstances may a Detachment General Court Martial be assembled?

A. When any portion of Her Majesty's troops is serving in any place not in British India, and not within the dominions of the Princes and States in India in alliance with Her Majesty.

Q. By whom may such Court be appointed?

A. By the Commander-in-Chief, by any Officer authorised by warrant of the Commander-in-Chief, and by the Officers actually in command of such troops, upon complaint being made of an offence against the person or property of any resident of such place committed by any person under such Officer's command, and subject to these Articles.

Composition and Powers of.

ARTICLE 78.

Q. How shall such Court be composed?

A. It shall consist of not less than three Commissioned Officers.

Q. What powers shall it have?

A. The same as a General Court Martial.

3.—*District Court Martial.* 4.—*Garrison Court Martial.*
Appointment of such Courts.

ARTICLE 79.

Q.—By whom may a District or Garrison Court Martial be appointed?

A.—(1) By the Commander-in-Chief of any Presidency. (2) By any Officer authorized by his warrant to appoint such Courts. (3) By any Officer in command of Native Troops authorized to appoint such Courts, by order of the Governor-General in Council, or Governor in Council of the other Presidencies. (4) By any Officer commanding Native Troops not attached to the forces of a Presidency, authorized to appoint such Court, by warrant which the Governor-General in Council has empowered the Commander-in-Chief in India to issue.

Composition of such Courts.

ARTICLE 80.

Q.—Of how many Officers shall a District or Garrison Court Martial be composed?

A.—Of seven Commissioned Officers, unless that number cannot conveniently be assembled, in which case such Court may consist of not less than five such Officers.

Q.—Is there any exception to the above rule?

A.—If a District Court Martial be appointed under the authority of an order in Council, it may consist of any number of Commissioned Officers not less than three, and may be composed either of European or Native Commissioned Officers.

ARTICLE 81.

Q.—Must such Court be composed of Officers of Regiments other than that to which the accused belongs?

A.—It may, when necessary, be composed of Officers wholly of the Regiment to which the accused belongs.

Q.—Is there any exception to this Rule?

A.—On the trial of a Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, not more than two Officers of the same Regiment, Corps, Detachment or Department as the accused shall sit upon such Court.



Powers of such Courts.

ARTICLE 82.

Q.—Over what persons shall a District or Garrison Court Martial have power?

A.—Over all persons subject to the Articles of War, except Commissioned Officers.

Q.—For what offences?

A.—For any offences other than mutiny punishable by the Articles of War.

Q.—What punishments may such Courts award?

A.—Imprisonment (with or without hard labor, and with or without solitary confinement) for a term not exceeding one year; dismissal from the service, suspension from rank, pay, and allowances; degradation, loss of standing; reduction to the ranks; corporal punishment not exceeding fifty lashes; forfeiture of additional pay; good conduct pay; and claim to pension, forfeiture of arrears of pay and allowances; stoppages.

5.—Regimental Court Martial, Appointment of.

ARTICLE 83.

Q.—By whom may a Regimental Court Martial be appointed?

A.—By the Officer commanding any Regiment or Corps.

Composition of.

ARTICLE 84.

Q.—Of what number of Commissioned Officers shall a Regimental Court Martial consist?

A.—Of not less than five, unless that number cannot be conveniently assembled when it may consist of not less than three.

Powers of.

ARTICLE 85.

Q.—What persons shall a Regimental Court Martial have power to try?

A.—All persons subject to the Articles other than Commissioned Officers, Sub-Assistant Surgeons, Hospital Assistants, Native Doctors, and Warrant Officers.

Q.—What offences may such Courts try?

A.—(1) Any offences other than mutiny, desertion, or disgraceful conduct, punishable under the Articles of War, when committed on the line of march, or on board of any vessel. (2) Any offences punishable under Act V of 1860, and not within the ordinary jurisdiction of a Regi-

mental Court Martial, other than mutiny, desertion, or disgraceful conduct, when the Officer commanding the Division or District directs that it be tried by a Regimental Court Martial. (3) Any offences punishable under the Articles of War, other than offences not within the ordinary jurisdiction of Regimental Courts Martial.

Q.—What sentences may such Court pass?

A.—Dismissal; loss of standing; reduction to the ranks; imprisonment (with or without hard labor; and with or without solitary confinement) for a term not exceeding six months; corporal punishment not exceeding fifty lashes; forfeiture of arrears of pay and allowances; stoppages.

6.—*Regimental Detachment Court Martial.* 7.—*Detachment Court Martial.*

Appointment of.

ARTICLE 86.

Q.—By whom may a Regimental Detachment Court Martial be appointed?*

A.—By the Officer commanding a Detachment of his own Regiment or Corps.

ARTICLE 87.

Q.—By whom may a Detachment Court Martial be appointed?

A.—By the Officer commanding any Station, Force, or Detachment of men of different Regiments or Corps.

Q.—Under what circumstances is the Officer in command of any Detachment when on the line of march or on board any vessel authorized to appoint a Detachment Court Martial?

A.—When the offence committed is not within the ordinary jurisdiction of a Regimental Court Martial other than mutiny, desertion, or disgraceful conduct.

Composition of.

ARTICLE 88.

Q.—Of how many Commissioned Officers shall a Regimental Detachment Court Martial, or a Detachment Court Martial consist?

A.—Of not less than five, unless that number cannot be conveniently assembled, in which case it may consist of not less than three.

Power of.

ARTICLE 89.

Q. What powers have a Regimental Detachment Court Martial and a Detachment Court Martial?

A. The same powers as a Regimental Court Martial.

* See S. O., No. 130 of 20th May 1869.

8.—*Summary Courts Martial.*

ARTICLE 90.

Q. By whom may a Summary Court Martial be held ?

A. By the European Commissioned Officer, who is in actual command for the time being of any Regiment or Corps, or of any Detachment consisting of, or equivalent in strength to three Troops or Companies, or of any European Corps or Detachment to which native details subject to the Articles of War, are attached.

Q. Is the convening a Summary Court Martial subject to any provisions or restrictions ?

A. It is ; to those contained in Articles 91, 92, 93, 94, 125, and 126.

Q. In detached situations, beyond sea or out of British India, or on service in the field, or under any circumstance where immediate example being necessary, a Detachment Court Martial cannot be assembled as provided in Article 87, and reference cannot be made to superior authority without detriment to the service, what powers has a Commanding Officer ?

A. He may hold a Summary Court Martial without regard to the strength of the Detachment he may be commanding.

Q. Can such Commanding Officer carry the sentence into effect at once ?

A. If he is of less than five years' standing, he cannot until it has received the approval of the nearest superior Military Officer holding a command of not less than a Regiment.

Constitution of.

ARTICLE 91.

Q. How is a Summary Court Martial constituted ?

A. The Commanding Officer holding it, shall alone constitute the Court.*

Persons Triable by.

ARTICLE 92.

Q. What persons are liable to trial by Summary Courts Martial ?

A. All persons subject to the Indian Articles of War under the command of the Officer holding the trial.

Q. What persons serving with the Indian Army are not liable to trial by such Court ?

A. Any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, or other person who is not liable to trial by Courts composed of Native Commissioned Officers.

* See Article 125.

Offences Triable by.

ARTICLE 93.*

Q. What offences may be tried and punished by Summary Court Martial?

A. Any offences against the Articles of War, except mutiny.

Q. Is the trial of such offences subject to any restriction?

A. *Yes; when there is no emergent reason for immediate action, and reference can, without detriment to discipline, be made to superior Military authority, the following offences shall not be tried without such reference:—Those under Articles 7 to 23, both inclusive; and those under Articles 54, 55, 56, 60, 61 and 64, besides offences against the Commanding Officer.

Powers of.

ARTICLE 94.

Q. What power has a Summary Court Martial held by any Officer commanding a Regiment or Corps?

A. Power to award any sentence not exceeding that awarded by a District Court Martial.

Q. What power has a Summary Court Martial held by any other Commanding Officer?

A. Power to award any sentence not exceeding that awarded by a Regimental or Detachment Court Martial.

Trial of Grave Offences by Inferior Courts.

ARTICLE 95.

Q. Can grave offences be tried by inferior Courts Martial?

A. No Commanding Officer shall try by a Regimental or Detachment Court Martial offences which are by the Articles of War deemed to be punishable by General, District, or Garrison Court Martial only, save as provided by Articles 85 and 89.

Q. As it may be expedient that some such offences should be tried by inferior Courts Martial, what course shall the Officer Commanding the Regiment or Detachment adopt?

A. He shall submit the case for the orders of the Officer Commanding the Division or District in which he is serving, who may direct trial by such kind of Court Martial as he thinks fit.

Q. May mutiny, desertion, and disgraceful conduct be tried by inferior Courts Martial?

A. * Mutiny shall in no case be tried, save by a General Court Martial, and desertion and disgraceful conduct shall in no case be tried by any Court Martial inferior to a District or Garrison Court Martial.

* See S. O., No. 276 of 27th September 1869.

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Q. When permission is accorded to try grave offences by District or Garrison, or Regimental or Detachment Court Martial, what record is necessary ?

A. It shall be entered upon the proceedings of such Court, and in the Monthly Return of trials furnished to Army Head Quarters.

Composition of.

ARTICLE 96.

Q. May any Court Martial appointed under the Articles of War be composed of European instead of Native Commissioned Officers ?

A. The Governor-General of India, or the Governor of any Presidency in Council may order any such Court to be so composed.

Q. How shall such Court be governed ?

A. By the Articles of War.

Claim to be tried by European Officers.

ARTICLE 97.

Q. Can any person, who is subject to the Articles of War, if under orders for trial by Court Martial, claim to be tried by European Officers ?

A. Yes, with exception of cases of trial by Courts Martial under orders in Council.

Q. How shall such Court be governed ?

A. By the Indian Articles of War.

CHAPTER II.—PROCEDURE.

Limitation.

ARTICLE 98.

Q. Can any person who is amenable to the Articles of War be tried and punished by a Court Martial at any time subsequent to the offence ?

A. He cannot after the expiration of three years, unless by reason of some manifest impediment he could not be arrested or confined and brought to trial within that period, in which case he is liable to trial at any time not exceeding two years after such impediment has been removed.

Place of Trial.

ARTICLE 99.

Q. May any person subject to the Articles of War who commits any offence against them be tried and punished in any place whatever ?

A. He may be in the same manner as if the offence had been committed in such place.

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Q. May any person subject to the Articles of War who commits any offence against them be tried and punished in any place whatever ?

A. He may be in the same manner as if the offence had been committed in such place.

Arrest or Confinement.

ARTICLE 100.

Q. Whenever any person subject to the Articles of War is accused of any Military offence which his Commanding or other superior Officer considers should be tried by Court Martial, what course shall be adopted?

A. Such Officer shall order the accused if not below the rank of Non-Commissioned Officer, to be placed in arrest, or if below such rank, to be placed in confinement until he shall be tried or discharged.

Q. For what period may any Native Officer or soldier be kept in arrest or confinement?

A. Not longer than is necessary for the purposes of justice.

Judge Advocate.

ARTICLE 101.

Q. To what description of Courts Martial is it necessary that a Judge Advocate be appointed?

A. To every General Court Martial other than that appointed under the authority of an order in Council.

Q. What description of Courts Martial shall be attended by an European Superintending Officer to conduct the proceeding?

A. Every District, Garrison, Regimental, or Detachment Court Martial composed of Native Commissioned Officers.

Q. Of what standing must such European Superintending Officer be?

A. Of not less than four years' service.

Interpreter.

ARTICLE 102.

Q. To what description of Courts Martial shall an Interpreter be appointed?

A. To every Court Martial; and when the Court is composed of Native Officers, he shall form part of such Court.

Q. If no duly qualified Interpreter is available at the station or place where the Court sits, who is appointed?

A. The Officer appointing the Court, or the Officer Commanding in the Division, District, or place within or at which the trial is to be held, shall appoint any competent person to perform the duty of Interpreter.

Q. When no other qualified or competent person is available, who shall be appointed?

A. The Superintending Officer; or in the case of an European Court, the President shall perform the duty of Interpreter.

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Q. Has the Interpreter a vote upon matters which come before the Court?

A. Not in his capacity as Interpreter.

President.

ARTICLE 103.

Q. Who shall sit as President of every Court Martial?

A. The senior Officer, whether the Court be composed of European or Native Commissioned Officers, and whether he be specially appointed or not.

Q. In case of the death or unavoidable absence of the President, who shall preside?

A. The next senior Member if the Court be still composed of the smallest number of Members required by the Articles of War.

Conduct of Proceedings.

ARTICLE 104.

Q. In the case of any General Court Martial appointed under an order of Council, or of any other Court Martial composed of European Officers, who shall conduct the proceedings?

A. The President.

Precedence.

ARTICLE 105.

Q. What is the rule of precedence amongst Native Commissioned Officers?

A. Risaldar-Majors and Subadar-Majors shall take precedence according to dates of commission; above all other, Subadars or Risaldars.

Q. Has the rank of Sedar Bahadur, or Bahadur, any claim to precedence?

A. None whatever.

Q. How do Risaldars take rank?

A. With Subadars, according to the dates of the Commission as Risaldars; and if they have not been Risaldars, then according to the dates of their Commission as Risaldars.

Time of Trial.

ARTICLE 106.

Q. At what time may trials by Courts Martial be carried on?

A. At any time without restriction.

Q. By whom is the date and hour of the Court's original assembly fixed?

A. By or under orders of the Commanding Officer.

Q. By whom is an adjournment and re-assembly of a Court Martial determined?

A. By the Court itself.

Challenge.

ARTICLE 107.*

Q. At all trials by Courts Martial has the prisoner the right of challenge?

A. He has at all Courts other than those appointed under an order in Council or a Summary Court.

Q. What is the mode of procedure of challenge?

A. As soon as the Court is assembled, the names of the President and Members are read over to the prisoner, who is then asked whether he objects to being tried by any Officer sitting on the Court.

Q. If the prisoner objects to any such Officer, what is done?

A. His objection, and also the reply thereto of the Officer objected to, shall be heard and recorded, and the Court shall, in the absence of such Officer, decide on the objection.

Interpreter's Oath.

ARTICLE 108.

Q. Is the Interpreter of Courts Martial held under the Articles of War sworn or affirmed?

A. Either sworn or affirmed.

Q. How is the affirmation or oath administered?

A. By the Officer conducting the proceedings.

Q. What is the form of affirmation?

A. I, _____, solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of this Court, and that I will not divulge the sentence until it shall have been published by authority; and further that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial in due course of law.

Q. What is the form of oath when made instead of affirmation?

A. I, _____, do swear that I will faithfully interpret, &c.
(and in all other respects in the above form, and shall end with the words)
"So help me, God."

Oaths of President and Members.

ARTICLE 100.

Q. Are the President and Members of a Court Martial held under the Articles of War sworn or affirmed?

A. Either sworn or affirmed, as shall be appropriate.

Q. What is the form of affirmation for European Officers?

A. I, _____, solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Indian Articles of War without partiality, favor, or affection; and if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of war in the like cases; and that I will not divulge the sentence of the Court, until it shall be published by authority; and further that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law.

Q. When oath is made instead of affirmation, what is the form?

A. I, _____, do swear that I will duly administer justice, &c. (and in all other respects in the above form, and shall end with the words) "So help me, God."

Q. What is the form of affirmation for Native Officers of the Mussulman or Hindu religion, or of other religions for which it may be appropriate?

A. I, _____, solemnly affirm, in the presence of Almighty God, that I will duly administer justice according to the Indian Articles of War without partiality, favor, or affection; and if any doubt shall arise, then according to my conscience, the best of my understanding, and the custom of war in the like cases; and that I will not divulge the sentence of the Court, until it shall be published by authority; and further that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law.

TRANSLATION.

*Mussalman.**Hindoo.*

Main Khuda ko hazir aur iman ki ru se ikrar	Huk 'U-ala nazir jan ko	Main Bhugwan ko jan man ke bacha	Parmeshwar
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kurta hun ki main tarafdari ri-ayat aur maya moh ko chor ko Hind ke Gayi ain ke mutabik, jaisa chahiye, insaf karunga, aur agar koi shubha dikhae de, to main iman (dharma) ke ru se, aur apni samajh ke sakte bhar, aur jis tarah aise mukaddamon fauj ke dastur hai, jaisa chahiye, insaf karunga, aur Court ke hukm ko main kudi ki zalir na karunga jab tak hukm ki taraf se barunda zalir na ho

le, aur bhi main hurgiz Court ko kisi ek sardar ki mat ya bichar bachan ko na kahunga na batlaunga, magar us halat men ki kisi adalat ya Court Martial se, kanun ko banurjib, mujh par is babat men gawahi dene ka hukm ko.

Judge Advocate's Oath.

ARTICLE 110.

Q. In what manner is the Judge Advocate or Superintending Officer of Native Courts Martial sworn or affirmed?

A. The Interpreter or any other European Officer of the Court administers to him the following affirmation or oath:—

I, _____, solemnly affirm in the presence of Almighty God, that I will not upon any account whatsoever disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial in due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court until it shall be published by authority.

Q. When oath is made instead of affirmation, what is the form?

A. I, _____, do swear that I will not upon any account whatsoever disclose, &c. (and on all other respects in the above form, and shall end with the words) "So help me, God."

Oaths of Witnesses.

ARTICLE 111.

Q. What is necessary previous to the examination of persons giving evidence at a Court Martial?

A. They shall be duly sworn or affirmed in such of the following forms as may be appropriate:—

For Europeans and Christians.

I, _____, do swear that what I shall state shall be the truth, the whole truth, and nothing but the truth. "So help me, God;" or

I, _____, solemnly affirm in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.

For Mussalman, Hindoo, or other Natives.

I, _____, solemnly affirm in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth.

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TRANSLATION.

*Gawahon ki hashmen.**Mussalman.**Hindoo.*

Main so Huk 'Ta-ala khuda ko hazir aur nazir jan ko ikar		Main Parmeshwar Bhagwan ko jan man ko bache
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karta hun ki main jo bat kahunga so sachhi kahunga, aur bin
chhipaye kisi bat ko sab sach kahunga, aur siwai sach ko kuchh aur na
kahunga.

Oaths Binding on Conscience.

ARTICLE 112.

Q. If none of the preceding forms of oath or affirmation are appropriate to any Officer of a Court Martial or to any witness, what is done?

A. Such Officer or witness shall make oath or affirmation to the purport hereinbefore prescribed in such form as the Court ascertains to be according to his religion, or otherwise binding on his conscience.

Re-Swearing.

ARTICLE 113.

Q. When more trials than one are held by the same Court Martial, is the previous oath or affirmation sufficient?

A. It is not. Every Officer of the Court, and every witness before the Court, shall make a fresh oath or affirmation as hereinbefore prescribed, notwithstanding any previous oath or affirmation.

Presumptive Evidence of Desertion.

ARTICLE 114.

Q. If at any trial for desertion, it is proved that the person tried has been absent without authority for a space of two months, what shall be the effect of such proofs?

A. It shall be deemed sufficient presumptive evidence of desertion, and the Court may thereupon convict the prisoner of desertion, unless he proves that his absence was not wilful, or otherwise rebuts the presumption of desertion.

Reference by Prisoner to Government Officer.

ARTICLE 115.

Q. If at any trial for desertion, absence without leave, overstaying leave, or not rejoining when warned for service; the person tried states in his defence any sufficient or reasonable excuse for his unauthorized

absence, and refers in support thereof to any Officer in the Civil or Military service of Government, what action shall the Court take?

A. If it appears to the Court that such Officer is likely to prove or disprove the prisoner's statement, the Court shall address him and adjourn until his reply is received.

Q. Can the written reply of any Officer so referred to be received in evidence.

A. If signed by him, it shall be received in evidence, and have the same effect as if made on oath or affirmation before the Court.

Q. If the Court is dissolved before the receipt of such reply, or the Court omits to refer to such Officer, what action may the convening Officer take?

A. He may at his discretion annul the proceedings, and order a fresh trial by the same or another Court Martial.

Trial for Desertion.

ARTICLE 116.

Q. On any trial for desertion, is it imperative that the accused shall be found guilty of desertion?

A. He may be found guilty of either desertion or absence without leave.

Evidence of Previous Conviction and General Character.

ARTICLE 117.

Q. When any person subject to the Indian Articles of War has been convicted by a Court Martial, into what particulars shall such Court enquire and record evidence?

A. Into any previous convictions of such person, either by a Court Martial or by a Court of Justice; and in the case of any person below the rank of a Warrant Officer, shall also enquire into and record the general character of such person.

Q. Must evidence of previous and general character be oral?

A. It may be either oral or in the shape of entries in, or certified extracts from, the Court Martial Books.

Q. In the case of certified extracts, shall it be necessary to prove the signature?

A. It shall not.

Q. Shall it be necessary to give notice to the prisoner before trial that evidence as to his previous convictions or character will be received?

A. It shall not.

Voting of Members.

ARTICLE 118.

Q. In what order shall the Members of a Native Court Martial give their votes upon any matter?

A. Begin with the junior in rank.

Q. What is imperative to secure a decision?

A. A majority of votes, except where otherwise specially provided.

Q. When there is an equality of votes as to either finding or sentence, how then?

A. The decision shall be in favor of the prisoner.

Q. Has the President at any time a casting vote?

A. In all matters other than the finding or sentence.

Votes in a Sentence of Death.

ARTICLE 119.

Q. What is necessary to secure a sentence of death by any General Court Martial, other than one held under an order in Council?

A. The sentence shall be concurred in by at least two-thirds of the Officers composing the Court, or by five out of seven, or four out of five Officers, when the Court consists of either of those numbers.

Q. How in the case of a sentence of death passed by a General Court Martial held under an order in Council?

A. The sentence shall be passed by the votes of a majority of such Court.

Revision of Finding or Sentence.

ARTICLE 120.

Q. May the finding or sentence of any Court Martial be revised?

A. Yes, by order of the Officer authorized to dispose of the proceedings, but not more than once.

Q. On a revision may fresh evidence be received?

A. No, except as to previous convictions or general character.

Q. Is it necessary that the Court on revision shall consist of the same, and the same number of Officers as were present when the original decision was passed?

A. It is, unless any such Officer or Officers shall be unavoidably absent.

Q. In case of the unavoidable absence of any of the Members of the Court, what is imperative?

A. The cause thereof shall be duly certified in the proceedings, and the Court shall proceed with the revision, provided it shall consist of the smallest number of Officers required by the Articles of War.

Procedure.

ARTICLE 121.

Q. What procedure shall be adopted at all trials by Courts Martial?

A. That laid down in the Articles 106 to 119, both inclusive, save when otherwise specially ordered, or provided.

Summoning Witnesses.

ARTICLE 122.

Q. By whom are witnesses summoned to give evidence before Native Courts Martial?

A. The Judge Advocate in the case of a General Court Martial, and the Officer ordering the trial in the case of any other Court Martial, may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons of any person, either to give evidence or to produce documents.

Q. In the case of a witness amenable to Military authority, how shall the summons be served?

A. It shall be sent to the Officer in actual command of the corps to which he belongs, who shall serve it upon him accordingly.

Q. In the case of any other witnesses, how shall the summons be served?

A. It shall be sent to the Magistrate, within whose jurisdiction he may be or may reside, and such Magistrate shall give effect to it.

Q. When a witness is required to produce any particular document in his possession or power, how shall he be informed?

A. The summons shall describe it with convenient certainty.

Contempt of Court.

ARTICLE 123.

Q. If any witness duly summoned, or any other person commits any contempt of Court in the presence of a Court Martial, or commits any of the offences described in Articles 66, 67, or 68, how shall he be punished?

A. If subject to the Indian Articles of War, he shall be proceeded against as they direct; if not so subject, he shall be delivered over to a Magistrate, who shall proceed against him in the same manner, as if the offence had been committed before a Court of Criminal Justice.

Privilege of Witnesses.

ARTICLE 124.

Q. What privilege shall every witness be entitled to, while proceeding to, attending on, or returning from any Court Martial before which he has been summoned?

A. Privilege from arrest in any civil suit or proceeding; and if arrested in any such suit or proceeding, he may be discharged by order of such Court.

Summary Courts Martial and Persons to attend.

ARTICLE 125.

Q. By whom shall every Summary Court Martial be attended?

A. By two Commissioned Officers, European or Native, exclusive of the Commanding Officer holding the trial.

Q. Is it necessary that an Interpreter shall attend the Court?

A. Yes, when one is available, otherwise the Officer holding the trial, or one of the Officers in attendance, may perform the duty of Interpreter.

Q. Shall the Interpreter have a vote upon any matter?

A. He shall not.

Proceedings of such Courts.

ARTICLE 126.

Q. How shall the proceedings of every summary trial be conducted?

A. In the presence of all the Officers who attend the Court, and shall be recorded in the English language, and in the manner usual at other Courts Martial.

Oaths Administered.

ARTICLE 127.

Q. What Officers sitting on Summary Courts Martial make oath or affirmation?

A. The Interpreter first, and then the Commanding Officer.

Q. What form of oath or affirmation do they use?

A. The Interpreter, that provided by Article 108, down to the words "published by authority;" and the Commanding Officer, that provided by Article 109, down to the words "custom of war in like cases."

Q. Are the Officers in attendance sworn or affirmed?

A. They are not.

Evidence.

ARTICLE 128.

Q. Is all evidence at a Summary Court Martial taken on oath or affirmation?

A. It is, as provided by Article 111.

* See B. O. No. 275 of 27th September 1869.

Q. What evidence of previous conviction and general character is sufficient before a summary trial?

A. Such as shall be recorded by the Commanding Officer as of his own knowledge, or proved as provided by Article 117.

Signature and Transmission of Proceedings.

ARTICLE 129.

Q. In every case in which a Regimental Court Martial, or a Detachment Court Martial, tries an offence not within the ordinary jurisdiction of a Regimental or Detachment Court Martial committed on the line of march, or on board a vessel, to whom shall the proceedings be sent?

A. To the Commander-in-Chief of the Presidency to which the Regiment or Detachment belongs, and of the Presidency within which they may be, or to which they are proceeding.

Q. By whom shall the proceedings of every Summary Court Martial when closed be signed?

A. By the Commanding Officer and the Officers attending the trial.

Q. To whom shall they be forwarded?

A. To the Officer Commanding the Division or District within which the trial is held.

Q. Can the proceedings of a summary trial be set aside?

A. They can for reasons based on the merits of the case, but not merely on technical grounds.

Q. By whom can they be set aside?

A. By the Officer Commanding the Division or District within which the trial was held, or by the Commander-in-Chief, or of the Presidency in which the trial was held.

Q. When a Summary Court Martial is held in a force not attached to any Presidency, what powers may the Officer Commanding such force exercise in regard to the proceedings?

A. He may exercise the powers given in this Article in regard to the setting aside trials.

Q. By whom shall the proceedings of every other Court Martial be signed when closed?

A. By the Members, and shall without delay be forwarded or delivered to the Officer, under whose orders the trial has been held.

CHAPTER III.—SENTENCES.

Of General Courts Martial.

ARTICLE 130.

Q. For what offences has any General Court Martial the power to adjudge a sentence of death?

A. For any offence falling under Articles 7 to 23, both inclusive, and for such offences only.

Q. For those offences can sentences other than death be adjudged?

A. Yes, transportation for any period not less than seven years; or imprisonment (with or without hard labor, and with or without solitary confinement) for any period not exceeding fourteen years.

Q. What powers has any General Court Martial in any case where no special punishments are prescribed?

A. To sentence any person amenable thereto to any punishment specified in Articles 131, 132, 133, 135, 137, and 138.

Q. Has every Court Martial power to award a sentence of death, transportation, or imprisonment?

A. No Court Martial other than a General Court Martial can award a sentence of death, transportation, or imprisonment exceeding one year.

Q. Has every Court Martial power to try or punish a Commissioned Officer?

A. No Court Martial other than a General Court Martial shall have such power.

Q. To what punishment may any General Court Martial sentence any Commissioned Officer?

A. To be dismissed the service, or to be suspended from rank, pay, and allowances for any stated period, or to be placed one or more steps lower in the list of his rank.

Of General, District, or Garrison Courts Martial.

ARTICLE 131.

Q. What Courts Martial shall alone have power to try or punish any Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer?

A. No Court Martial inferior to a District or Garrison Court Martial shall have such power.

Q. To what punishment may any General, District, or Garrison Court Martial sentence any Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer?

A. To be dismissed the service, or to be suspended from rank, pay, and allowances for any stated period, or to be reduced to a lower grade or class in his department, or to be placed one or more steps lower in the list of his rank.

*Reduction, Dismissal, Corporal Punishment, and
Imprisonment.*

ARTICLE 132.

Q. What Courts Martial shall have power in the case of a Non-Commissioned Officer?

A. Any Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks, or to be placed one or more steps lower in the list of his rank.

Q. What Courts Martial have power in the case of any person subject to the Articles of War below the rank of Warrant Officer?

A. Any Court Martial may sentence any such person to be dismissed the service, or to suffer corporal punishment not exceeding fifty lashes, or to imprisonment with or without hard labor, and with or without solitary confinement for such periods as are by those Articles prescribed.

Limit of Imprisonment.

ARTICLE 133.

Q. What shall be the ordinary limit of imprisonment, whether with or without hard labor and solitary confinement, awardable by Courts Martial?

A. For General Courts Martial two years; for District or Garrison Courts Martial one year; and for Regimental or Detachment Courts Martial six months.

Solitary Confinement.

ARTICLE 134.

Q. What shall be the limit of solitary confinement?

A. Not more than eighty-four (84) days in one year, or more than fourteen (14) days at a time, and there shall be between the periods of solitary confinement intervals of ordinary imprisonment at least equal to the periods of solitary confinement.

Reduction to the Ranks.

ARTICLE 135.

Q. What preliminary step is necessary in the case of a Non-Commissioned Officer being sentenced by any Court Martial to imprisonment or corporal punishment?

A. That he shall be first sentenced to reduction to the ranks.

Forfeiture of Pay and Pension.

ARTICLE 136.

Q. On a conviction of any disgraceful conduct, what punishment may a General, District, or Garrison Court Martial award in addition to any other punishment?

A. It may sentence the offender to forfeit all advantages as to additional pay, good conduct pay, and claim to pension on discharge, which might otherwise have accrued from the length or nature of his former service, or to forfeit all such advantage absolutely, whether it has accrued from past service, or may accrue from future service.

Forfeiture of Arrears of Pay.

ARTICLE 137.

Q. On any conviction of disgraceful conduct, if the offender be sentenced to dismissal from the service, or if his sentence involve dismissal under Article 136 or 137, to what further punishment *shall* he be subject?

A. He *shall* further be sentenced to forfeit any arrears of pay and allowances or other public money due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage arising out of his disgraceful conduct.

Q. If in addition to dismissal, or to any punishment involving dismissal under Article 137, any money is required to make good any *proved* loss or damage arising out of the misconduct of the offender, how shall such money be recovered?

A. Any Court Martial may sentence any person whom it is authorized to try, to forfeit any arrears of pay and allowances, or other public money due to him at the time of his dismissal, or such portion thereof as may be required to make good any proved loss or damage.

Stoppages.

ARTICLE 138.

Q. In event of any proved loss or damage arising out of the misconduct of an offender convicted of *disgraceful conduct*, whose dismissal from the service is not awarded or involved, how *shall* such loss or damage be made good?

A. The Court shall, in addition to any other punishment, sentence the offender to be put under stoppages to the extent provided by Article 139, until the amount of any *proved* loss or damage be made good.

Q. What Courts Martial shall have power to sentence an offender to be put under stoppages to make good any proved loss or damage arising out of his misconduct, in addition to any punishment other than or not involving dismissal?

A. Any Court Martial.

Extent of Stoppages.

ARTICLE 139.

Q. To what extent are stoppages by sentence of any Court Martial limited?

A. Stoppages shall not be awarded, whether under one or more than one sentence to a greater extent than in the case of an Officer two-thirds; or in the case of any other person, one-half of his monthly pay and allowances, and shall not be so awarded as to extend beyond one year.

Q. What pay and allowances shall be available for the purposes of stoppages by Court Martial?

A. Any public money issued to the offender within the period of one year.

Repeated Sentence of Transportation or Imprisonment.

ARTICLE 140.

Q. Whenever a sentence of transportation or imprisonment is passed by any Court Martial upon an offender already under sentence of transportation for a limited term, or of imprisonment, from what period may such sentence commence?

A. From the expiration of the previous sentence, notwithstanding that the aggregate of any terms of imprisonment may thus exceed the limit of imprisonment which such Court is empowered to award.

Form of Sentence of Death.

ARTICLE 141.

Q. In awarding a sentence of death, what discretion has a General Court Martial?

A. To direct that the offender shall "suffer death by being hanged by the neck until he be dead," or shall "suffer death by being shot to death."

CHAPTER IV.

Confirmation and Commutation of Sentences.

ARTICLE 142.

Q. Is it imperative that all sentences of Courts Martial shall be confirmed before being carried into effect?

A. It is, save in the case of Summary Courts Martial.

Q. In the case of any Court Martial for the trial of any person within a Presidency, who shall confirm the sentence?

A. The Commander-in-Chief of such Presidency.

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Q. In the case of any Court Martial for the trial of any person under the command of any Officer authorized by warrant of the Commander-in-Chief of any Presidency to hold such trial, who shall confirm the sentence?

A. Such Commanding Officer, subject to any restrictions contained in the warrant.

Q. In the case of any Court Martial for the trial of any person under command of any Officer in actual command of Troops, who is authorized by the Governor-General of India in Council, the Governor of Fort St. George in Council, or the Governor of Bombay in Council, to hold such trial, who shall confirm the sentence?

A. Such Commanding Officer.

Q. In the case of any Court Martial for the trial of any person under the command of any Officer Commanding Native Troops not attached to the forces of a Presidency, who is authorized, by warrant of the Commander-in-Chief to hold such trial, who shall confirm the sentence?

A. Such Commanding Officer of Native Troops.

Q. In the case of a Detachment General Court Martial held beyond the limits of British India, and not within the dominions of the Princes and States of India in alliance with Her Majesty, who shall confirm the sentence?

A. The Officer appointing such Court Martial, unless the sentence of such Court exceeds that awarded by a District or Garrison Court Martial, in which case the Commander of Her Majesty's forces, with which the offender is serving, shall alone have power to confirm, remit, commute, or annul the sentence.

Q. In the case of a Regimental Court Martial, who shall have power to confirm the sentence?

A. The Officer appointing such Court Martial.

Q. In the case of a Regimental or other Detachment Court Martial, where the Detachment consists of, or is equal in strength to, three Troops or Companies, who shall confirm the sentence?

A. The Commanding Officer.

Q. When any Court Martial is held in any Detachment of less than, or not equal in strength to, three Troops or Companies, who shall confirm the sentence?

A. The Officer Commanding the Prisoner's Regiment, or the nearest superior Officer holding a command of not less than a Regiment.

Q. In detached situations beyond sea, or out of British India, or on service in the field, or in cases where immediate example is necessary, and reference cannot be made to such Regimental or other superior Commanding Officer without detriment to the service, who shall then confirm the sentence?

A. The Officer Commanding any Detachment, whatever its strength may dispose of, and carry out the sentence of any Detachment Court Martial held by his order.

Q. Who has power to mitigate, remit, commute, or annul any sentence?

A. Any Commander-in-Chief or Officer has such power in the case of any sentence to the execution of which his confirmation is necessary.

Sentence of Death.

ARTICLE 143.

Q. When a sentence of death has been passed by any General Court Martial, who may confirm such sentence, and cause it to be carried into effect?

A. The Officer so authorized in accordance with the Articles of War, or he may in lieu thereof sentence the offender to transportation for life or for any term not less than seven years, or to imprisonment with or without hard labor and (with or without solitary confinement) for any term not exceeding fourteen years.

Sentence of Penal Servitude or Transportation.

ARTICLE 144.

Q. Whenever any person being an European or American, or a legitimate lineal descendant of an European or American is convicted of an offence punishable under the Articles of War with transportation, to what punishment shall the Court sentence the offender?

A. To penal servitude instead of transportation, under the provisions of Act No. XXIV of 1855.

Q. When a sentence of transportation has been awarded by any General Court Martial, has the Officer, who is authorized in accordance with the Articles of War to confirm and carry the same into effect, the power to commute such sentence?

A. He may in lieu thereof sentence the offender to imprisonment (with or without hard labor, and with or without solitary confinement) for any term not exceeding fourteen years, and not exceeding the term of transportation awarded by the Court.

Sentence of Dismissal on Commissioned Officers.

ARTICLE 145.

Q. When a sentence of dismissal from the service is passed by any Court Martial under the Articles of War upon a Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer, has the Officer, who is authorized to confirm or otherwise dispose of such sentence, the power to commute it?

A. He has the power to commute it to suspension from rank, pay, and allowances for any stated period.

Sentences on Commissioned Officers.

ARTICLE 146.

Q. What is necessary in the case of any decision or sentence passed upon any Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer before such sentence shall be carried into effect?

A. Except on foreign service, or when reference cannot be made, without detriment to discipline, to superior authority, no such decision or sentence shall be carried into effect, until confirmed or otherwise disposed of by the Commander-in-Chief of the Presidency to which the offender belongs; or when the offender is serving in another Presidency, by the Commander-in-Chief of such Presidency; or when the offender belongs to a force not attached to any Presidency, by the Officer Commanding the force.

Sentence of Corporal Punishment.

ARTICLE 147.

Q. May a sentence of corporal punishment passed by a Court Martial be commuted?

A. It may be, by the Officer authorized to confirm or otherwise dispose of it, to dismissal from the service, or to imprisonment *without* hard labor, and *with* or without solitary confinement for any period not exceeding one year.

Sentence of Imprisonment with Hard Labor.

ARTICLE 148.

Q. May a sentence of imprisonment with hard labor be commuted?

A. It may be, by the Officer authorized to confirm or dispose of it, to dismissal from the service, or to imprisonment without hard labor, and with or without solitary confinement for the term mentioned in the sentence, or for any shorter period.

Sentence of Reduction with Corporal Punishment or Imprisonment.

ARTICLE 149.

Q. Should a Non-Commissioned Officer be sentenced by a Court Martial to reduction to the ranks followed by corporal punishment or imprisonment, may such sentence be mitigated?

A. The Officer duly authorized to confirm or dispose of it, may mitigate it to reduction only.

Q. Should a Non-Commissioned Officer be sentenced by a Court Martial to dismissal from the service, may such sentence be commuted?

A. It may be commuted to reduction to the ranks.

CHAPTER V.—EXECUTION OF SENTENCES.

Transportation.

ARTICLE 150.

Q. Whenever the sentence of a General Court Martial awarding transportation is duly confirmed, or whenever a sentence of death is commuted to transportation, how shall such sentence be executed?

A. The offender shall be delivered over, with a warrant of commitment containing an authenticated copy of the sentence or commuted sentence, to the Officer in charge of the nearest jail, and such Officer shall give effect to the sentence accordingly, under such orders as he may receive from the Local Government.

Imprisonment with Hard Labor.

ARTICLE 151.

Q. Whenever the duly confirmed sentence of any Court Martial awards imprisonment with hard labor, or whenever the sentence of any Court Martial is duly commuted to such imprisonment, how shall such sentence be executed?

A. The offender shall be delivered over, with a warrant of commitment containing an authenticated copy of such sentence or commuted sentence, to the Officer in charge of the nearest jail, and such Officer shall detain the offender under the rules in force in such jail according to the exigency of the warrant, or until he is discharged by due course of law.

Place of Imprisonment.

ARTICLE 152.

Q. What authority has the Commander-in-Chief of any Presidency in regard to the place of confinement of any person who may be sentenced under the Articles of War to imprisonment?

A. He may direct that such person shall be confined in any jail or other fit place for confinement situated within the local limits of such command, or may order his removal from any place of confinement under Military control to any other such place, or to any jail or other fit place of confinement situate within such local limits.

Q. What authority has the Officer Commanding any force not attached to any Presidency in regard to the place of confinement of any person who may be sentenced under the Articles of War to imprisonment?

A. He shall have the like powers as a Commander-in-Chief so far as regards persons under his command, and jails or other places of confinement situate within the local limits of such command.

Transfer to Military Custody.

ARTICLE 153.

Q. When any person subject to the Articles of War is confined in any jail or other place not subject to Military control, under a sentence of transportation or imprisonment, whether passed by a Court Martial or by a Court of Criminal Justice, what power has the Government of India, or the Local Government of the Presidency in regard to the removal of such person?

A. Such Government may order his transfer to Military custody, or may order his removal from one to any other place of confinement within the territories of such Government; the period of his removal being reckoned as part of his term of imprisonment or transportation.

* *Forfeiture of Pay during Imprisonment.*

ARTICLE 154.

Q. Shall any person subject to the Articles of War in receipt of public pay, who is imprisoned in any place under the sentence or commuted sentence of a Court Martial, or a Court of Criminal Justice receive pay during such imprisonment?

A. He shall forfeit all pay and allowances, and be entitled to subsistence only, according to the rates prescribed in the Regulations of Government to which he is subject. If his sentence does not involve dismissal under Art. 155 or Art. 157.

Q. Shall any person who is subject to the Articles of War, and who is placed in confinement in any place whatsoever, whether as a punishment by his Commanding Officer, or under a Charge of which he is subsequently convicted, receive pay during such confinement?

A. He shall forfeit all pay and allowances, and be entitled to subsistence only, according to the Regulations of the Government to which he is subject.

Striking Convict off Strength of Regiment.

ARTICLE 155.

Q. Shall a person who is sentenced, by any Court Martial, or by any Court exercising jurisdiction in criminal cases, to transportation, or to imprisonment with hard labor for any terms exceeding three months, be retained on the strength of the Regiment, Corps, or Detachment to which he belongs?

A. No, he shall be struck off. In the case of a sentence by a Court Martial, from the date of confirmation of such sentence, and in the case of a sentence by a Criminal Court, from the date of such sentence.

Non-re-admission of Convict.

ARTICLE 156.

Q. Shall any person who has undergone transportation or imprisonment with hard labor exceeding three months, be re-admitted to the service?

A. He shall not be, nor shall he be entitled to any pension.

Q. In the case of any illegal sentence duly annulled, or of a pardon under Article 160, may such person be re-admitted to the service?

A. Such person may by order of the Government when the offence is non-military, or by order of the Commander-in-Chief of the Presidency when the offence is Military, be re-admitted to the service or pension, as the case may be.

Dismissal with Ignominy.

ARTICLE 157.

Q. Under what circumstances is dismissal with ignominy imperative?

A. Any person below the rank of Warrant Officer sentenced under these Articles to dismissal, or to imprisonment with hard labor, or to corporal punishment *for disgraceful conduct*, shall, on the confirmation of such sentence, be dismissed with ignominy from the service.

Publication of Sentence for Disgraceful Conduct.

ARTICLE 158.

Q. In what manner is a sentence for *disgraceful conduct* made known in the district wherein the offender resides?

A. A copy of every such confirmed sentence shall be sent by the Adjutant-General of the Army to the Chief, Civil, or Political Officer of the District wherein the offender's place of residence is situated, and such Officer shall publish the sentence and orders at the said place.

Sentences of Summary Court Martial.

ARTICLE 159.

Q. Under whose authority is the sentence of a Summary Court Martial carried into effect?

A. Any sentence of such Court Martial may be carried into effect forthwith on the Commanding Officer's own authority, and all the provisions contained in Articles 151, 152, 153, 154, 155, 156, 157, 158, 160, and 161 shall have full effect.

CHAPTER VI.

Pardons and Remissions.

ARTICLE 160.

Q. Who has the power to pardon or to remit wholly or in part any punishment awarded to any person by a Court Martial?

A. The Governor-General of India in Council, or the Governors of Fort St. George in Council, or of Bombay in Council, and the Commander-in-Chief of any Presidency as regards any such person within such Government, or under the command of such Commander-in-Chief, has such power of pardon or remission of sentence, and may order the restoration to such person of any service or other advantage forfeited under the sentence.

Release of Prisoners.

ARTICLE 161.

Q. Under what authority may any Officer, in charge of a jail, release a prisoner or return him to Military custody?

A. Under authority of a notification under the hand of a Secretary to the Government of India, or to the Government of Fort St. George, or to the Government of Bombay, or under the hand of the Commander-in-Chief of any Presidency, or of the Officer Commanding any force not attached to a Presidency, or any Division or District, that the sentence under which any person, subject to the Articles of War is imprisoned in such jail, has been annulled or remitted.

CHAPTER VII.

Regimental Courts of Enquiry.

ARTICLE 162.

Q. If any person subject to the Articles of War is without due authority absent from his duty for two months, what course shall be adopted?

A. A Regimental Court of Enquiry, composed of European or Native Commissioned Officers, or of both in conjunction, shall forthwith assemble; and having received proof on oath or affirmation of the unauthorized absence, shall declare the same and the period thereof and the Officer Commanding the Regiment or Corps shall record such declaration in the Regimental Books.

Q. If the person absent does not afterwards surrender, or is not apprehended, of what use is such record?

A. Such record shall have the legal effect of a conviction of desertion.

Q. If the person surrenders, or is apprehended, of what use is such record?

A. Such record, or a copy thereof purporting to bear the signature of the Officer having the custody of the Regimental Books, shall, on the trial of such person for desertion, be presumptive evidence of the facts therein recorded; or on proof of the identity of the prisoner with the person therein mentioned, he may be found guilty of desertion.

Persons Absent as Prisoners of War. *

ARTICLE 163.

Q. If any person subject to the Articles of War be made a prisoner of war, what claim shall he have to pay or allowances during his absence?

A. He shall not be entitled to any pay or allowances, or other public money, or to reckon service during any absence as a prisoner of war.

Q. When a prisoner of war rejoins the service, what course shall be adopted?

A. Enquiry shall be made by a Court Martial into the circumstances of his absence; and if it is proved to the satisfaction of the Court that he was not taken prisoner through his own wilful neglect of duty, or that he had not served with or under, or aided the enemy, or that he had as soon as possible returned to the service, such Court may recommend that he receive either the whole or any portion of the arrears due to him, and to reckon his service.

Q. Shall such recommendation entitle him to receive such arrears, and reckon service accordingly?

A. If confirmed by the Commander-in-Chief of the Presidency, or by the Officer Commanding any force not attached to a Presidency to which the person belongs, then it shall.

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TITLE IV.

Powers Independently of Trial and Reduction to Ranks.

ARTICLE 164.

Q. What Officers shall have power to reduce to the ranks Non-Commissioned Officers under their commands?

A. The Commander-in-Chief of a Presidency and the Officer Commanding any force not attached to a Presidency.

Minor Punishments.

ARTICLE 165.*

Q. Who shall prescribe the minor punishments to which persons subject to the Articles of War shall be liable for light offences without the intervention of Courts Martial?

* See S. O., No 310, of 8th November 1860.

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A. The Commander-in-Chief in India, under the authority of the Governor-General in Council, shall prescribe such, and shall specify the Officer or Officers by whom and the extent to which such punishment may be awarded.

Q. What ranks in the Native Army shall be exempt from minor punishments?

A. No Commissioned Officer, Sub-Assistant Surgeon, Hospital Assistant, Native Doctor, or Warrant Officer shall be liable to minor punishment.

Q. Shall good-conduct-pay necessarily be forfeited on the infliction of a minor punishment?

A. It shall not, but forfeiture thereof may be awarded as a substantive punishment, either by order of the Commanding Officer, or by sentence of a Court Martial, as may from time to time be prescribed in General Orders of the Commander-in-Chief in India, or of the Commander-in-Chief of the Presidency.

Q. When a soldier is convicted by a Court Martial, shall he—if in receipt of good-conduct-pay—continue to receive it?

A. He shall not.

Q. May the forfeiture of good conduct pay be awarded in addition to any other minor punishment?

A. It may.

Offences of Native Followers.

ARTICLE 166.

Q. What authority has the Commanding Officer of any Regiment, Corps, or Detachment, whether European or Native, in camp, or at any frontier post at which Troops are stationed, and to which this Article may be specially extended by the Governor-General of India in Council, the Governor of Fort St. George in Council, the Governor of Bombay in Council, or any other Local Government, over native followers for any offence in breach of good order?

A. He may sentence any such offender, if above the degree of a menial servant, to pay a fine not exceeding fifty rupees, or in default of payment, or in lieu thereof, to imprisonment for any period not exceeding thirty days; or if he be not above the degree of a menial servant to imprisonment not exceeding seven days, or to corporal punishment not exceeding twelve strokes of a rattan.

Q. If imprisonment is awarded under this Article, how is it carried out?

A. It may be carried out in a Military guard or in a jail, as ordered by the Commanding Officer.

Q. Shall the Officer in charge of any jail receive the offender?

A. He shall on delivery to him of the person of the offender, with a warrant under the hand of the said Commanding Officer detain the offender, until he is discharged by due course of law.

Complaints Against Officers.

ARTICLE 167.

Q. Should any person subject to the Articles of War deem himself wronged by any superior or other Officer, to whom may he complain?

A. To the Officer Commanding the Troop or Company to which he is attached, or if not attached to a Troop or Company, to the Officer under whose command or orders he is serving.

Q. When the Officer complained against is the Officer to whom any other complaint should under this Article be preferred, to whom should the aggrieved person complain?

A. To such Officer's next superior Officer.

Q. What course shall every Officer receiving any such complaint adopt?

A. He shall examine into it, and when necessary, refer it to superior authority.

Q. Through what channel shall every such complaint be preferred?

A. Through such channel as may from time to time be prescribed by proper authority.

Q. How shall any person preferring a frivolous or groundless complaint be dealt with.

A. He shall be liable to trial by any Court Martial competent to try him, and to such punishment, other than dismissal, corporal punishment, or imprisonment with hard labor as the Court is empowered to award.

Provost Marshal.

ARTICLE 168.

Q. What measures are adopted for the prompt and instant repression of irregularities and offences committed in the field, or on the line of march?

A. Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency, or the Officer Commanding the forces in the field, and the powers and duties of such Provost Marshals shall be regulated according to the established custom of war, and the rules of the service.

Duties and Powers of Provost.

ARTICLE 169.

Q. What are the duties of a Provost Marshal so appointed?

A. To take charge of prisoners confined for offences of a general description, to preserve good order and discipline, and to prevent breaches of the same by persons belonging or attached to the Army.

Q. What punishment may the Provost Marshal inflict?

A. He may subject any person amenable to the Articles of War below the rank of Warrant Officer to corporal punishment, who in his view, or in the view of any of his assistants, commits any breach of good order and Military discipline.

Q. To what extent shall such corporal punishment be limited ?

A. To the necessity of the case, and shall accord with the orders which may from time to time be issued to him by the Officer Commanding the Troops; but in no case shall it be in excess of that awardable by sentence of a Court Martial.

Q. If the actual commission of the offence is not witnessed by the Provost Marshal or any of his assistants, but sufficient proof can be obtained of the offender's guilt, what course shall the Provost Marshal adopt ?

A. He shall report the case to the Commander of the Troops, who shall deal with the case as he may deem most conducive to the maintenance of good order and Military discipline.

TITLE V.

Non-Military Offences if committed within Jurisdiction of Criminal Court.*

ARTICLE 170.

Q. Should any person subject to the Articles of War be accused of any offence against the Indian Penal Code not included in the foregoing Articles, and that person be at any place in British India, within the jurisdiction of any Court of Criminal Justice, established by Her Majesty, or the Government of India, or by a Local Government, how shall he be proceeded against ?

A. He shall be delivered over to the nearest Magistrate to be proceeded against according to law.

Q. Should any person in or attached to the Army wilfully neglect or refuse to assist the Officers of Justice in apprehending and securing any such accused person, to what punishment shall he be liable ?

A. To any punishment other than death or transportation awardable under the Articles of War.

Offences committed out of British Territory.

ARTICLE 171.

Q. How are offences against the Indian Penal Code, which are not included in the Articles of War, dealt with in any place out of British India ?

A. They shall, when committed by any person amenable to those Articles, be cognizable by a General Court Martial to be convened by any Officer, who is empowered by warrant or order in Council, or by Article 77 to appoint General Courts Martial.

* [Soldiers should not be tried for Military and non-military offences at the same time. In bringing an offender to trial for an offence, which admits of being treated at discretion, as of either character, it should be considered how the ends of discipline will be best answered, and the charge drawn out accordingly for the Military or non-military offence.—B. M. Reg.]

General Courts Martial for Trial of such Offences.

ARTICLE 172.

Q. How are the proceedings of General Courts Martial for the trial of non-military offences conducted?

A. In accordance with the provisions of the Articles of War as to composition* and procedure, with exception of those contained in Article 117, but such Courts shall in every case be attended by a Judge Advocate?

Sentences of such Courts.

ARTICLE 173.

Q. In what manner shall a General Court Martial hold for the trial of a non-military offence award punishment on the conviction of the offender?

A. In accordance with the provisions of the Indian Penal Code.

Confirmation of Sentence.

ARTICLE 174.

Q. What is necessary in the case of any decision or sentence passed by any General Court Martial held for the trial of a non-military offence?

A. It shall not be carried into effect, until confirmed or otherwise disposed of by the authority which under the Articles of War is empowered to confirm or otherwise dispose of the sentence of such General Court Martial.

Q. What is necessary in the case of a sentence of death passed by any General Court Martial held for the trial of a non-military offence?

A. It shall not be carried into effect, until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs.

Q. How, when the offender is beyond the limits of British India?

A. Not until confirmed by the Officer Commanding Her Majesty's forces with which the offender is serving, or when the offender does not belong to any Presidency, not until confirmed by the Commander-in-Chief in India.

Prisoners.

ARTICLE 175.

Q. What rules apply to the disposal of sentences and of sentenced prisoners who have been tried by a General Court Martial for a non-military offence?

A. All the provisions contained in Articles 143, 144, 148, 150, 151, 152, 153, 154, 155, 156, and 161.

* See G. O., 11th January 1860, S. O., No. 19.

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TITLE VI.

Effects of Deceased Men and of Deserters.

ARTICLE 176.

Q. When any person subject to the Articles of War dies or is killed in the field, what steps does the Officer Commanding the Regiment, Corps, or Detachment, or the Officer in charge of the Department to which such person belonged take with regard to his effects?

A. If no representative in interest of such person be on the spot, he shall secure his effects in camp or quarters; and cause an inventory thereof to be made, and a duplicate of such inventory to be lodged with the Officer Commanding, or in charge of the Regiment, Corps, Detachment, or Department to which the deceased belonged.

Sale of Effects and Discharge of Debts.

ARTICLE 177.

Q. If there be no representative on the spot or readily accessible, how shall such Commanding Officer act?

A. He shall, without any representation taken out, publicly sell such part of the effects of the deceased in camp or quarters as do not consist of money, and shall pay thereout the debts of the deceased in camp or quarters, the expense of his funeral ceremonies, and his Regimental debts of every description, and shall pay the surplus (if any) to the representative in interest of the deceased.

Remittal of Surplus.

ARTICLE 178. ●

Q. In the event of no claim for the surplus of the deceased person's estate being made, and established within twelve months of his death, what shall be done with the amount in the hands of the Officer in charge of the estate?

A. It shall be remitted to the Controller-General of Accounts at Calcutta.

Sale of Effects of Deserters.

ARTICLE 179.

Q. What shall be done with the effects in camp or quarters of a deserter?

A. They shall be publicly sold, and the proceeds, after payment of all Regimental or Departmental claims, shall be remitted by the Officer Commanding, or in charge of the Regiment, Corps, Detachment, or Department to which the deserter belongs to the Controller-General of Accounts at Calcutta.

PART III.**MISCELLANEOUS.***(a).—Prohibition of second Trial.*

Q. May a person who is subject to the Articles contained in Part II of Act V of 1869, and who has been acquitted or convicted either by a Court Martial or by a Court of Criminal Justice of any offence, whether Military or non-military, again be tried or punished for the same offence by any Court?

A. He shall not be tried again, but he may be dismissed the service.

(b).—Prohibition of Arrest for Debts.

Q. Are persons who are attested under the Indian Articles of War liable to arrest for debt?

A. So long as they belong to the Army, they are not liable to be arrested for debt under any process issued by, or by the authority of, any Court of Law.

Q. Should any such person be arrested, what remedy has he?

A. The Judge of any Court may by warrant discharge such person, and award reasonable costs to him.

Q. Shall the property or pay of any such attested person be liable to be attached for debt?

A. The arms, horse, clothes, equipments, Regimental accoutrements and necessaries of any such attested person shall not be seized, nor shall his pay and allowances or any part thereof be attached.

(c).—Breach of Cantonment Rules.

Q. When any offence in breach of any duly authorized Cantonment Rule or Regulation is committed by any person not subject to the Articles of War, and not an European British subject, or an Officer or soldier, what course may the Officer Commanding the Cantonment adopt?

A. He may, when there is no Cantonment Magistrate, summon or order the apprehension of the offender, and may, after investigating the case, sentence him to pay a fine not exceeding fifty rupees, or in default or in lieu of such fine, to imprisonment in any jail or Military guard for a period not exceeding thirty days.

Q. What shall be sufficient authority for the Officer in charge of any jail to detain any such person?

A. A warrant under the hand of the said Commanding Officer.

(d).—Capture of Deserters.

Q. Whenever any person subject to the Articles of War deserts, what course shall the Commanding Officer adopt?

A. He shall give such written information of the deserter as may assist towards his capture to the Civil, Political, or Police Authorities, who shall take steps for the apprehension of such deserter.

Q. Are the District Authorities or Police authorized to apprehend any person reasonably suspected of desertion?

A. They are, unless such person be furnished with a certificate of leave or discharge.

(e).—Apprehension of Military Offenders.

Q. Whenever any person, subject to the Articles of War, who is accused of any Military offence, is within the jurisdiction of any Civil Political, or Police Officer, what course shall be adopted?

A. He shall aid in the apprehension and delivery to Military custody of any such person on receipt of a written application to that effect signed by his Commanding Officer.

(f).—Presumption of Signature.

Q. Shall the signature to such application be accepted as valid?

A. It shall be presumed to have been duly signed, until proved to the contrary.

(g).—Native Troops Serving out of their own Presidency.

Q. When any portion of the Native Troops belonging to any Presidency is serving in another Presidency, under whose authority shall such Troops be deemed for all the purposes of the Articles of War?

A. Under the authority and orders of the Commander-in-Chief of the Presidency in which they are serving.

Q. Has the Governor-General in Council the power to alter this?

A. He has the power to declare that Native Troops serving out of their own Presidency shall continue subject to the authority and orders of the Commander-in-Chief of the Presidency to which such Troops belong.

(h).—Powers to make Orders and Issue Warrants.

Q. Who have power to make orders and issue warrants for holding Courts Martial or otherwise, which appear necessary for the purposes of the Articles of War?

A. The Governor-General of India in Council, the Governors of Fort St. George and Bombay in Council; and the Commander-in-Chief of any Presidency.

Q. Who has such power in the case of Military offences requiring to be disposed of without delay?

A. The Governor-General of India in Council and the Governors of Fort St. George and Bombay in Council: And they may respectively far-

ther authorize any Officer (empowered by order in Council to confirm, commute, remit, or annul sentences in such cases) to refer such sentence to the Commander-in-Chief of the Presidency.

(i).—*Limitation of Power.*

Q. Has the Commander-in-Chief of a Presidency the power to re-admit to service or pension any person not within his Command, or to authorize any Officer to appoint, or to confirm, commute, remit, or annul the sentences of Courts Martial for the trial of any person not within the command of such Commander-in-Chief?

A. He has not, except in the case specified in the proviso in Clause (g). Part III, Act V of 1869.

Q. Has Government any power to give directions as to the composition of or to authorize the appointment of Courts Martial in any place for the time being *subject to any other Government*?

A. It has not.

Q. Shall anything in the Indian Articles of War be deemed to affect the authority conferred on the Commander-in-Chief in India by any Act of Parliament, or by Royal Warrant or Commission?

A. Nothing shall so affect his authority.

(j).—*Power to make Rules.*

Q. With whom does it rest to make rules for the guidance of Officers whether Military, Civil, or Political, in all matters connected with the enforcement of the Indian Articles of War?

A. It shall be lawful for the Governor-General of India in Council from time to time to make such rules consistent with the Act regarding them.

Q. When shall such rules be deemed to have the force of law?

A. When published in the *Gazette of India*.

Q. Who has authority from time to time to substitute for the forms of affirmation given in Articles 109 and 111, such other forms as may be thought appropriate to Native Officers and witnesses of any religion?

A. The Commander-in-Chief of any Presidency, with the previous sanction of their respective Governments, has such authority.

(k).—*Articles to be read Periodically.*

Q. What Articles of War shall be read periodically at the head of every Regiment, Corps, Troop, or Company in the service.

A. The 3rd, 4th, 5th, 7th to 71st inclusive, 90th, 91st, 92nd, 93rd, 94th, 125th, 126th, 130th, 131st, 132nd, 133rd, 135th, 136th, 137th, 138th, 139th, 154th, 167th, and 176th, shall be so read once in every three months.

APPENDIX.

DEFINITIONS IN THE INDIAN PENAL CODE APPLICABLE
TO THE INDIAN ARTICLES OF WAR.

Q. What is wrongful gain?

A. Gain by unlawful means of property to which the person gaining is not legally entitled.

Q. What is wrongful loss?

A. Loss by unlawful means of property to which the person losing it is legally entitled.

Q. What is the legal definition of dishonestly?

A. Whoever does anything with the intention of causing wrongful gain to one person, or wrongful loss to another, is said to do that thing "dishonestly."

Q. What is the legal definition of fraudulently?

A. A person is said to do a thing fraudulently if he does that thing with intent to defraud.

Q. How is "reason to believe" legally interpreted?

A. A person is said to have "reason to believe" a thing, if he has *sufficient cause* to believe that thing.

Q. What is simple hurt?

A. Causing bodily pain, disease or infirmity to any person is said to cause hurt.

Q. What is grievous hurt?

A. Causing any actual hurt to the person, as emasculation, privation of sight or hearing, or any hurt which endangers life, or which causes the sufferer to be during the space of 20 days in severe bodily pain or unable to follow his ordinary pursuits.

Q. What is voluntarily causing hurt?

A. Doing any act with the intention of thereby causing hurt to any person, or with the knowledge that he is likely thereby to cause hurt to any person, and does thereby cause hurt, is "voluntarily to cause hurt."

Q. What is voluntarily causing grievous hurt?

A. Causing hurt, if the hurt which the person intends to cause, or knows himself to be *likely* to cause is grievous hurt, and if the hurt which he causes is grievous hurt.

Q. When is a person said to use force to another?

A. When he causes motion, change of motion, or cessation of motion to that other, or when he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact

with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling, provided that the person causing such motion does so, *1stly*, by his own bodily powers; *2ndly*, by disposing any substance in such a manner that the motion, or change or cessation of motion takes place without any further act on his part, or on the part of any other person; *3rdly*, by inducing any animal to move, to change its motion, or to cease moving.

Q. When is a person said to use criminal force to another?

A. When he intentionally uses force to the other without the person's consent, in order to the committing of any offence, or intending by the use of such force to cause, or knowing it to be likely to cause injury, fear, or annoyance to the person to whom the force is used.

Q. When is a person said to commit an assault?

A. When he makes any gesture or any preparation, intending or knowing it to be likely that such gesture or preparation will cause any person present to apprehend that he who makes it is about to use criminal force to that person.

Q. When is a person said to commit theft?

A. When intending to take dishonestly any moveable property out of the possession of any person without that person's consent, he moves that property in order to such taking.

Q. When is a person said to commit extortion?

A. When he intentionally puts any person in fear of any injury to that person or to any other, and thereby dishonestly induces such person to deliver to any person any property or valuable security, or anything signed or sealed, which may be converted into a valuable security.

Q. When is a person said to abet the doing of a thing?

A. *1stly*, when he instigates a person to do that thing; *2ndly*, when he engages with one or more persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy.

Q. What is the definition of an abettor?

A. A person abets an offence who abets either the commission of an offence, or the commission of an act which would be an offence, if committed by a person capable by law of committing an offence, with the same intention or knowledge as that of the abettor.

N. B.—“Whenever the finding and sentence of a Native General Court Martial is published to the Army, it is the duty of Commanding Officers of Native Corps, not merely to read the same at the head of their respective Regiments, but also to use their best endeavors to cause the subject thereof, including the Commander-in-Chief's decision and remarks, to be thoroughly understood, at least by the Native Officers.”—M. R.

MILITARY LAW AND PROCEDURE.

[The duties devolving upon members of Courts Martial being of the most grave and important nature, it is considered incumbent upon all Officers to apply themselves diligently to the acquirement of a competent knowledge of Military Law, and of the orders and regulations founded thereon, and also of the practice of Military Courts, with the view of making themselves acquainted with the nature and extent of the power and authority vested in them, by the temperate and judicious exercise of which the discipline and character of the Army are to be maintained.]—B. M. REGS.

OF THE RECORD AND PROCEDURE OF THE COURT.

Q. How is the Stationery, required for all Military Courts, to be supplied?

A. By the Staff Officer attached to the Officer under whose orders the Court assembles. [M. R.]

Q. Under what circumstances must certificates be attached to the proceedings of Courts Martial?

A. 1.—When any delay occurs in bringing an offender to trial.
2.—When any offence, especially restricted by the Articles of War to the cognizance of Superior Courts Martial, is tried by an inferior Court.
3.—When a Regimental Court Martial consists of a less number than five Officers. 4.—When a Native District or Garrison Court Martial is composed of less than seven Officers. 5.—When a Captain is nominated President of an European District or Garrison Court Martial. [M. R.]

Q. What other documents are appended to the proceedings?

A. All instructions from the Commander-in-Chief, or the convening or confirming Officer of a minor Court Martial, to the Judge Advocate, the President, or to the Superintending Officer of the Court. [M. R.]

Q. When an European Court Martial is closed, should the Interpreter be present?

A. He should not.

Q. Between what hours must an European Court Martial sit?

A. In England, between 10 A. M. and 4 P. M.; in India, between 8 A. M. and 4 P. M.* But, if the Court consider it necessary, they may continue beyond that time, recording their reasons for so doing. [A. W.]

* The record of the proceedings to show the day of the week, as well as the day of the month, on which the Court sits. —G. O., No. 12, of 10th February, 1869.

Q. What certificate should invariably be laid before the Court on the day of trial, and be annexed to the proceedings?

A. A certificate *under the hand* of the Medical Officer in the following form:—

I hereby certify that No. _____ of the Regiment is (or is not) in a good state of health, and fit (or unfit) to undergo corporal punishment, or imprisonment, solitary or otherwise, and with or without hard labour; and that his present appearance and previous medical history both justify the belief that hard labour employment will not (or will) be likely to originate or re-produce disease of any (or some) description; and further, that he is (or is not) indelibly* marked with the letter D.

Date.

Signature. [M. R.

Q. What are the Rules for making up the proceedings of a Court Martial?

A. They must be legibly written, without erasures or interlineations, on English (not French) foolscap, the margin to be one-quarter page on the inner side. The pages must be numbered, and the sheets fastened with strong thread. The outside to be docketed two inches from the top.

TRIAL OF A. B.

Company _____ Regiment _____

By _____ Court Martial.

At _____

On the _____

leaving a blank space below.

Q. What is the Rule with regard to the introduction of Hindoostanee words, or foreign terms, into the proceedings of Courts Martial?

A. It is strictly prohibited, and where it is unavoidable to insert such words, the translation should be given. [M. R.

Q. Are the proceedings of District Courts Martial required in duplicate?

A. They are; and the duplicate should be posted (when such is necessary) the day after the original proceedings. [M. R.

Q. When the President of an European minor Court Martial, or the Superintending Officer of a Native Court Martial, observes anything manifestly wrong in either the charge or constitution of the Court, what is his duty?

A. To adjourn the Court, and report the circumstance to the convening Officer.

Q. In what order is the prescribed oath administered to the President and Members of a Court Martial?

* Not required in the case of Natives.

A. In the case of a General Court Martial, the President and Members have the oath administered to them by the Judge Advocate, who, in turn, is sworn by the President; and in the case of an European minor Court Martial, the oath will be administered by the President to the other Members, and afterwards by any sworn Member to the President.

Q. Should a Court Martial be re-sworn at the commencement of each trial?

A. It should. [Q. R.]

Q. When several prisoners are tried on one charge, how are the proceedings made up?

A. In the same manner as though one only were tried, but the finding and sentence on each prisoner must be separately recorded. [Q. R.]

Q. When several prisoners are tried by the same Court on different charges, how then?

A. The proceedings must be made up separately as the trials are conducted in succession. [Q. R.]

Q. How should the proceedings of a Court Martial be numbered?

A. In succession from the beginning of the year. [M. R.]

Q. When the President of a Court Martial is unable to write legibly, by whom should the proceedings be written?

A. The President should employ one of the Members to write the proceedings. [Adjutant General's Circular No. 68-G., 13th July, 1864.]

OF THE CONSTITUTION OF COURTS MARTIAL.

Q. How should Courts Martial be constituted, as regards the relative rank of the Members and the prisoner?

A. The members should be of equal if not superior rank to the prisoner, if possible,—the greater the proportion of superior Officers the better. [M. R. and Q. R.]

Q. Can a Commanding Officer be appointed President or Member of a Court Martial convened for the trial of a man of his own Corps?

A. On no account. [M. R.]

Q. Can an Officer Commanding a Detachment of British Troops assemble a Detachment Court Martial?

A. Not unless he is the superior Officer on the spot.

Q. Can the confirming Officer, or the Officer whose duty it is to investigate the charges on which a prisoner is tried, sit on the trial?

A. On no account. [M. R.]

Q. Can an Officer who may have to give evidence to the prisoner's general character sit on the trial?

A. Only in case of absolute necessity. [M. R.]

Q. How many years must an Officer have served to be deemed eligible to be appointed Member of a general Court Martial?

A. Three years. [A. W.]

Q. Why are young Officers with Native Regiments required to attend all Courts Martial?

A. For the purpose of learning the duties of Superintending Officers, to which no Officers under four years' service (unless an Adjutant) can be appointed. [M. R.]

Q. What measures are taken in order to obviate the inconvenience which would result from the proceedings of General or District Courts Martial being interrupted by the withdrawal of a Member from sickness or other unavoidable cause?

A. Two Members *in waiting* are to be appointed, if available, on all such Courts. [M. R.]

Q. Who must attend at all General Courts Martial to receive the orders of the President?

A. The Adjutant of the week. [M. R.]

OF THE OPTION OF CHALLENGE.

Q. Should the prisoner challenge the President, or any of the Members,—what is the course of procedure?

A. The objection to the President may be disallowed by two-thirds of the other Members, or referred to the authority who appointed the President. Should a Member be challenged, he replies and withdraws, and the Court is closed, and the Members decide on the challenge. If the challenge is sustained, a Member *in waiting* comes on, or the Court is adjourned till a new Member is appointed, who, in turn, is subject to challenge. [Simmons.]

Q. When more prisoners than one are tried together, is the option of challenge offered to each?

A. It is. [Simmons.]

OF THE CHARGES.

Q. What must be recorded when a charge ordinarily cognizable by a General or District Court Martial is referred to a Regimental Court Martial?

A. The authority for so doing either by a certificate or at the foot of the Charge.

Q. Can a Soldier who has been released from confinement or arrest, and been allowed to return to his duty, be afterwards tried for the crime or which he was confined?

A. He cannot, unless for murder, or causing death, or for a Military offence, the gravamen of which was not known at the time. The return to duty is generally a condonation of the offence and bar to subsequent proceedings.

Q. How should Charges be framed?

A. In strict accordance with the terms used in the particular Article of War applicable to the offence committed. [M. R.]

Q. What should be specified in a Charge ?

A. The nature of the offence or crime alleged against a prisoner, and the place and date of its occurrence. [M. R.]

Q. In Charges against Non-Commissioned Officers and Soldiers, what Regimental information is necessary ?

A. The Regimental number. [M. R. and Q. R.]

Q. In the case of a Private Soldier being brought to trial for a crime of a serious nature, may a simple act of drunkenness be incorporated in the Charge ?

A. A Regimental Court Martial cannot try a Soldier (though it can a Non-Commissioned Officer) on a charge of simple drunkenness, but a District Court Martial can do so.—See Articles 77 and 78. Acts of simple drunkenness are now disposed of by *fine*.

Q. Does this Rule apply in the case of Non-Commissioned Officers ?

A. A Non-Commissioned Officer can be tried by any Court Martial for drunkenness either off or on duty. [M. R.]

Q. How should Charges for submission to District Courts Martial be first dealt with, in all practicable cases, when delay or postponement of trial will not be detrimental to the interest of the Service ?

A. They should be sent to the Deputy Judge Advocate of the Division for examination and report on their sufficiency.

[G. O. C. C., 7th May, 1861, and M. R.]

Q. With what should a prisoner be furnished previous to being tried by Court Martial ?

A. With an authenticated copy of the Charges preferred against him in his own language, together with a list of the evidence for the prosecution, in time, to enable him to make due arrangements for his defence. [M. R.]

Q. What is particularly required of a Commanding Officer with respect to the degree of the Court to which any Charge against a man under his command should be referred ?

A. To consider most carefully the nature of the crime, and in all cases, in which it may appear that a Regimental, Garrison, or District Court Martial is competent to investigate it and award adequate punishment, to refer it to such Court, and not to apply for a higher Court than is necessary to meet the case. [M. R.]

OF THE ARRAIGNMENT AND PLEA.

Q. When arraigned, is the prisoner to be asked if he is rightly described ?

A. No ; if he raise no objection to the name by which he is described when called upon to plead, he adopts it. If, however, he is described as James Brown, and he asserts that he is Alfred Jones, then the correct name is to be inserted in the Charge after the other, prefaced by the word "otherwise," as James Brown otherwise Alfred Jones.

Q. If the prisoner refuse to plead, what should the Court record?

A. Not guilty.

Q. Should the prisoner plead guilty, is it still necessary to take evidence?

A. It is. The evidence of at least one credible witness is taken that so much may be recorded as will afford a full knowledge of the circumstances.

Q. When more prisoners than one are tried on the same Charge, is each called upon to plead?

A. Yes.

Q. May a plea of drunkenness be accepted as an extenuation of a crime?

A. It should rather be considered an aggravation to it. [M. R.]

OF THE PROSECUTION.

Q. By whom must the prosecution at a Court Martial be invariably conducted?

A. By a Military Officer. [M. R.]

Q. If the party preferring the Charge is a civilian, how then?

A. He will become the principal witness for the prosecution, and after giving his own evidence, should be allowed to remain in Court, that the Judge Advocate may refer to him. [M. R.]

Q. If the prosecutor has evidence to give as a witness, is he sworn as such?

A. He is; and after giving his evidence, he resumes his seat and conducts the prosecution. [M. R.]

Q. If a prosecutor makes an opening address, can he afterwards give evidence as a witness?

A. No. He cannot make two statements to the Court, one on oath, and one not. [M. R.]

OF THE EVIDENCE.

Q. How many witnesses are necessary to substantiate a Charge?

A. One credible witness is sufficient, but two should be taken if procurable. In cases of perjury and high treason there must be two.

Q. Is hearsay evidence admissible?

A. It is not.

Q. Is a dying declaration admissible as evidence?

A. It is, when the prisoner is charged with being the cause of death of such person.

* No one having evidence to give, except documentary, should be appointed prosecutor—(Ct. 1868).

Q. What is necessary to give validity to a dying declaration?

A. That the person making it should *declare* himself to be in danger of approaching death. [M. R.]

Q. Describe the manner in which a witness should be examined?

A. First by the prosecutor, no leading questions being allowed, then cross-examined by the prisoner. He may be re-examined by the prosecutor on any matter elicited on cross-examination, and be again cross-examined by the prisoner; and, lastly, questioned by the Court.

Q. Is the opinion of a witness legal evidence?

A. It is not, except the opinion of professional men on professional points connected with the subject under investigation.

Q. Is documentary evidence admissible?

A. An authenticated copy of a public document is admissible, but a private writing must be in original, except the original be destroyed or is not procurable.

Q. Is a deposition admissible?

A. Not if the party making it is forthcoming, and if not forthcoming, it can only be received when made on oath before the prisoner, and subject to his cross-examination.

Q. How should a signature be proved?

A. By witnesses, and not by comparison with other writing.

Q. Should the opposite party decline to cross-examine, what entry is made?

A. "The prisoner or prosecutor declines to cross-examine."

Q. Describe how all evidence is to be recorded by a Court Martial?

A. As nearly as possible in the words of the witness, and in the order in which it is received by the Court.

Q. In what person should evidence be recorded?

A. In the first person. A witness giving testimony is to be considered as addressing himself to the Court; all evidence, therefore, should be recorded as follows:—Q. My prisoner. Are you sure you saw me strike the Corporal. A. I am sure I saw the prisoner strike the Corporal; not, I am sure I saw you strike the Corporal.

Q. Is a witness allowed to refresh his memory from notes?

A. He is.

Q. Is a witness obliged to give evidence?

A. Yes, but not to questions which may render him liable to any criminal prosecution, or to forfeiture.

Q. Should charges be read to witnesses previous to their examination?

A. On no account. [M. R.]

Q. Has the prisoner the option of calling witnesses?

A. He has, either before or after he makes his defence.

Q. Are native witnesses sworn?

A. No. They are affirmed according to the 101st Article of War.

Q. When a prisoner has been found guilty of *Disgraceful Conduct*, what evidence should be taken immediately after that of character?

A. Evidence whether the prisoner is in receipt of additional pay, good conduct pay, or pension on discharge, medals for field service, and gratuity either for meritorious service, or for long service and good conduct.

Q. Is a person who has been convicted of any offence incompetent to be a witness?

A. He is not. [M. R.]

OF THE DEFENCE AND REPLY.

Q. If the prisoner has pleaded guilty, how should the entry be made when he is called upon for his defence?

A. "Being called upon for anything he may have to say in extenuation, states."

Q. Is it imperative that a prisoner's defence should be recorded in the body of the proceedings?

A. No. It may be recorded, or it may be attached.

[G. O. No. 103, March, 1868.]

Q. If a prisoner in his defence makes a statement which, if established, would prove his innocence, or an extenuation, or an excuse for his offence, what is the duty of the Court?

A. To advise him to call witnesses, and examine them on the points. This procedure must be noticed.

Q. Is the prosecutor at a Court Martial allowed access to the proceedings of the Court for the purpose of framing his reply?

A. He is, at the close of the defence. [M. R.]

Q. Has the prisoner's Counsel any privilege in the matter of the defence?

A. He may be permitted to read the defence to the Court, but he cannot be allowed to address either the Court, the Prosecutor, or the witnesses. [M. R.]

Q. May an Officer, who is conducting a Court Martial, record the defence in the shape of a condensed summary?

A. It must be recorded in the words of the prisoner as he delivers it. [G. O. C. C., 20th August, 1856.]

OF THE FINDING.

Q. Must the finding of a Court Martial be strictly confined to the terms of the Charge?

A. A Court Martial may convict a prisoner of less than charged against him, but the finding must, in no case, exceed the terms of the Charge. [M. R.]

Q. How is the verdict of the Court taken at a Native Court Martial?

A. The Members are never to be permitted to consult amongst themselves, but the question "*guilty or not guilty*" is to be put separately to each Member, commencing with the junior. [M. R.]

Q. If a prisoner protest against conviction by a Court Martial, what is the proper course?

A. Such protest must invariably be transmitted for the consideration of His Excellency the Commander-in-Chief. [M. R.]

OF INQUIRY INTO PREVIOUS CONVICTIONS AND GENERAL CHARACTER.

Q. How are previous convictions by Court Martial proved?

A. By the entry thereof in the Court Martial, or Defaulters' Book, or by certified copy of such entry.

Q. When a European Soldier is tried for drunkenness either on or off duty, what evidence is the Court to take after conviction?

A. It shall receive evidence of the previous entries for drunkenness against the prisoner in the Regimental Defaulters' Book.

Q. Should evidence as to length of service, age, and general character be taken at the trial of a Warrant Officer?

A. It should not.

Q. How should character be described?

A. In general terms, as good, bad, indifferent, drunken, insubordinate.

Q. Can a Court Martial refuse to receive evidence of previous convictions when regularly tendered?

A. It cannot. [M. R.]

Q. How are previous convictions by a Native Court Martial produced in evidence against a prisoner?

A. By a certificate containing the charge, finding, and sentence, and its infliction or remission, copied from the Court Martial Book, and signed by the Commanding Officer or Staff Officer having custody of the same, (or oral evidence may be given. See Article 117 Native Troops).

Q. If such certificate be insufficient, what is the duty of the Court?

A. To require the prosecutor, or party presenting it, to produce one prepared in accordance with the Regulations. [M. R.]

Q. What is the proper form?

A. _____ *Regiment.*

PRISONER'S NAME AND NUMBER.

At a District, Regimental, or Summary Court Martial, assembled at _____, on the _____ day of _____ 187 (prisoner's Name, Number, Company, and Regiment,) was arraigned on the following charge;—

Charge
Finding
Sentence

} To be entered verbatim from the proceedings.

Approved and confirmed,

A. B., *Lieut.-Col.,*

Comdg. — Regt.

The prisoner to undergo the punishment awarded in _____

A. B., *Lieut.-Col.*

I do hereby certify that the above is a true extract from the proceedings of _____ Court Martial, held at _____, upon the trial of (prisoner's Name, Number, and Regiment).

(Signed) A. B., *Captain,*

Comdg. — Company.

Q. Why are these kept in the form of sheets of the Court Martial Book?

A. In order that, on the occasion of a Soldier being transferred from one Corps, or from one Detachment, Troop, or Company, to another, it may never happen that there shall be a failure of proof of his previous conviction. [M. R.]

Q. If neither the Court Martial Book nor the Defaulters' Book can be conveniently produced, what is the course of procedure?

A. After evidence is taken that the Book cannot be produced, a certificate prepared from either Book, if properly authenticated by the party having custody of the same, may be received as evidence.

Q. Should the Defaulter's Book be shown to the Court?

A. It may be produced in Court, and be referred to by the prosecutor, but it must not be shown to the Court.

Q. By whom should evidence of former convictions be given?

A. By a Commissioned Officer.

Q. What description of previous convictions are received against a prisoner?

A. Any, the result of a Court Martial, the proceedings of which have been confirmed, or any by a Court of Criminal Jurisdiction.

Q. What evidence must be produced in support of a previous conviction by a Court of Criminal Jurisdiction?

A. A certificate by the Clerk of any such Court, or other Officer having custody of the records, setting forth the offence of which the prisoner was convicted, together with the judgment of the Court thereon.

Q. Is it necessary that the signature or official character of the person appearing to have signed a certificate of former convictions should be proved before a Court Martial?

A. It is not.

Q. Is a summary conviction by a Justice of the Peace receivable as a previous conviction?

A. It is not.

[M. R.]

Q. When former convictions are produced in evidence against a prisoner, is it necessary to give proof of the identity of the person of the offender?

A. Not if the Court be satisfied from all the circumstances of the case that the prisoner under trial is the person alluded to.

Q. What evidence is taken after that of previous convictions?

A. Evidence of general character, age, and length of service. [M. R.]

Q. May evidence of previous convictions of a Barrack Sergeant be given by other than a Commissioned Officer?

A. By a Warrant Officer, when no Commissioned Officer is available.

[A. G. Circular No. 64, dated 4th July, 1864.]

OF THE SENTENCE.

Q. To what general consideration is the attention of Members of Courts Martial directed by the Queen's Regulations when sentencing prisoners?

A. To a just discrimination in applying the punishment to the nature and degree of the crime.

Q. How is the sentence determined?

A. By the majority of votes, except in a sentence of death, when two-thirds are necessary.* When from sickness or other unavoidable cause the number of members are even, and their votes are equally divided as to the finding, the prisoner should have the benefit thereof.

[Simmons.]

Q. How are the votes taken?

A. The Judge Advocate (President or Superintending Officer, as the case may be,) puts the following question to each individual Member according to seniority, *commencing with the youngest*.—"From the evidence in the matter now before you, are you of opinion that the prisoner is guilty or not guilty of the charge alleged against him?"

[Simmons.]

Q. What rules must be observed in the record of sentence?

A. It must be signed on the same page, and be dated, and the hour at which the Court closes stated in the margin. A sufficient space must also be left below the signature for the flat of the confirming Officer on the same page.

* Or five out of seven, or four out of five, Officers. When a Court Martial assembles by order of Council, sentence of Death is passed by a Majority of Votes.

Q. What is necessary previous to the award of any punishment affecting the person of a Non-Commissioned Officer?

A. He must be sentenced to be reduced to the ranks before being subjected to either corporal punishment or to imprisonment.

Q. What is necessary when a District Court Martial refrains from sentencing a prisoner convicted of desertion to be marked with the letter D?

A. A letter reporting the reasons for so abstaining is to be attached to the proceedings.

Q. What is necessary when a District Court Martial refrains from sentencing a prisoner convicted of "*disgraceful conduct*," to forfeit any honorary distinctions, or to forfeit any advantage as to additional pay or good-conduct-pay he may be in receipt of, or to forfeit pension on discharge?

A. A letter reporting the reasons for so abstaining is to be attached to the proceedings.

Q. Can stoppages be awarded for damages or destruction actually done, but not alleged on the charge; or, if alleged, not clearly established in evidence?

A. They cannot in either case.

Q. In what terms should the period of a sentence of a Court Martial be specified?

A. In days, but the word 'pie' is not to be used in the sentence for stoppages. [Q. Reg.]

Q. How are the words "one penny" when used in a sentence to be construed in India?

A. They are taken to mean "eight pie."

OF THE REVISION.

Q. When there is a revision of proceedings, what is the rule with respect to the prisoner's state of health?

A. The prisoner must be re-examined by the Medical Officer, and a fresh certificate be furnished on the day of re-assembly. [M. R.]

Q. If a prisoner has been originally acquitted and on a revision of the proceedings is found guilty, should evidence of his previous convictions and general character be taken?

A. It should. [M. R.]

Q. When there is a revision of proceedings, may any further evidence in respect of the Charge on which the prisoner stands, be taken?

A. On no account; the revision is to be confined to the matter already recorded.

Q. In cases where the finding and sentence are modified by the Court upon revision, what procedure is necessary?

A. The Court shall expressly revoke the former act or acts which are modified, whether finding only or sentence only, or finding and sentence, and shall then proceed to state in complete form their final finding or sentence, or finding and sentence; and if the finding is altered, but not the sentence, still the sentence must be recorded again, the other being revoked.

[G. O. No. 42, 6th March, 1866.]

OF THE CONFIRMATION.

Q. Can an Officer Commanding a Detachment confirm the sentence of a Detachment Court Martial?

A. Not unless he is the senior Officer on the spot, that is, the Officer at the time in command of the whole of the Troops.

[A. G. O., No. 125 E., 21st Sept., 1864.]

FORMS OF PROCEEDINGS OF NATIVE COURTS MARTIAL.

PROCEEDINGS of a NATIVE DISTRICT ("REGIMENTAL" or "DETACHMENT") COURT MARTIAL, assembled (or "re-assembled") at ———, on ———, the ——— day of ——— 1870, by order of ———,* Commanding the ———, for the trial of all such prisoners as may be duly brought before it.

PRESIDENT: (See Note 1).

Subadar Major A. B.....Sappers and Miners.

MEMBERS: (See Note 1).

Ressaldar B. C. — Punjab Cavalry.

Subadar C. D. — Native Infantry.

Ressaldar D. E. — Bengal Cavalry.

Jemadar E. F. — Native Infantry.

Naib Ressaldar F. G. —'s Horse.

Jemadar G. H. — Native Infantry.

SUPERINTENDING OFFICER: (See Note 2).

Captain R. S. — Native Infantry.

INTERPRETER. (See Note 2).

Lieutenant J. H. — Regiment.

Assembly.

The Court assembles (or "re-assembles") at ——— o'clock in the ——— noon, (See Note 3,) at the Mess House of the ——— at ——— (as the case may be).

The President and Members are all present.

The Superintending Officer and the Interpreter are present.

The prisoner, K. L., Sepoy, &c., is brought into Court, ("called into Court," if a Non-Commissioned Officer).

Lieutenant L. M., Adjutant, — Regiment, appears in Court as prosecutor.

The Interpreter duly makes solemn affirmation. (See Note 2).

The orders convening and forming the Court are produced, read, and translated to the Court and prisoner.

The names of the Officers appointed to serve on the Court are read in the hearing of the prisoner.

Invitation of Challenge.

Q.—By the Superintending Officer.—K. L., Sepoy, &c., do you object to being tried by the President, or by any of the Officers, appointed to sit on this Court Martial?

A.—(See Note 4).

* The name of the convening Officer should invariably be inserted.

The Court duly make solemn affirmation according to the Articles of War for the Native Troops. (See Note 6).

The Superintending Officer duly makes solemn affirmation. (See Note 2).

All witnesses are directed to leave the Court, and withdraw accordingly.

The charge is (or "*charges are*") read, translated, and Charge explained to the Court and prisoner, and entered as follows:—

[*Enter the whole Charge, Heading, Signature, &c.*]

Q. *By the Superintending Officer.*—K. L. Sepoy, &c., &c., Arraignment. how say you, are you guilty or not guilty of the charge preferred against you? (See Note 6).

A.

PROSECUTION.

Lieutenant L. M., the prosecutor, addresses the Court Prosecution, as follows:—(See Note 7).

M. N. Havildar, &c., (See Note 8) is called into Court, 1st Witness, and duly makes solemn affirmation (or "*is duly sworn*"). See Note (9).

Examined by the Prosecutor.

Q.

A.

Cross-examined by the Prisoner. (See Note 10).

Q.

A.

Re-examined by the Prosecutor. (See Note 11).

Q.

A.

Examined by the Court. (See Note 11).

Q.

A.

The Witness withdraws.

[*In the same manner.*]

2nd Witness.

The Prosecution is closed.

DEFENCE.

The prisoner K. L., Sepoy, &c., being called upon Defence for his defence, states (See Note 12).

1st Witness.

N. O., Naick, &c., (See Note 8,) is called into Court, and duly makes solemn affirmation (or "*is duly sworn*"). (See Note 9.)

Examined by the Prisoner.

Q.

A.

Cross-examined by the Prosecutor. (See Note 10).

Q.

A.

Re-examined by the Prisoner. (See Note 11).

Q.

A.

Examined by the Court. (See Note 11).

Q.

A.

2nd Witness

The witness withdraws.

[In the same manner.]

The Defence is closed. (See Note 13).

Reply.

REPLY.

Court closed.

Lieutenant L. M. the prosecutor, states—(See Note 14).

The Court is closed.

Finding.

FINDING.

The Court is of opinion that the prisoner, K. L., Sepoy, &c., &c., is guilty of the charge (or "*charges*") preferred against him; or

Not guilty of the charge ("or *charges*") preferred against him, and he is accordingly acquitted thereof; or

Guilty of the first charge; not guilty of the second charge, of which he is accordingly acquitted.

Court re-opened.

[*Then, in case of conviction,*]

The Court is re-opened.

The prisoner and prosecutor appear in Court.

Lieutenant L. M., the prosecutor, is duly sworn. (See Note 15).

Q. What evidence have you to produce in proof of previous conviction against the prisoner?

A. I produce a certificate prepared from the Court Martial Book, and also the Court Martial Book.

The certificate is compared with the Book, authenticated, read, translated, explained, and appended marked A. (See Note 17).

The prisoner declines to cross-examine (*or as the case may be*).

The prosecutor resumes his seat in Court.

Captain P. Q., Commanding the Troop (*or "Company,"*) General to which the prisoner belongs, is called into Court, and ^{character.} duly sworn. (See Note 15).

Examined by the Court.

Q. How long has the prisoner been in the service, and what is his age?

A.

Q. What is his general character, irrespective of the offence for which he is now under trial?

A. (See Note 18).

The prisoner declines to cross-examine (*or as the case may be*).

The Witness withdraws.

The Court is closed.

Court closed

Sentences. (See Notes 19 20).

Sentences.

The Court sentences the prisoner, K. L., Sepoy, &c. &c. to—, ^{The trial is closed at — o'clock A.M. (or P.M.)}

Signature of President. (See Note 21).

Date. (See Note 21).

Signature of Interpreter. (See Note 21).

Signature of Superintending Officer. (See Note 21).

When considered necessary.

Recommendation.

In case of a revision being ordered.

REVISION.

Revision

—, the — day of — 18—.

The Court re-assembles at the Mess House, &c., at — o'clock A.M. (or P.M.) this day.

The Superintending Officer, Interpreter, President, and Members are all present.

The Court is closed.

Letter No. — of the —, from the — to the Superintending Officer of the Court, is read, translated, explained, and appended, marked B.

Revised Finding

REVISED FINDING. (See Note 20 b.)

In case of revocation of "finding" only: "The Court having attentively re-considered the evidence, and also the observations of the Revising Officer, do now revoke their former finding, and are of opinion that the prisoner, &c." (See Note 22, and G. O., No. 42, 6th March, 1866).

Revised Sentence

REVISED SENTENCE. (See Note 19).

In case of revocation of sentence only: Do now revoke their former sentence, and now sentence the prisoner, &c. (See Note 20, and above quoted G. O.)

In case of revocation of finding and sentence: Do now revoke their former finding and sentence. The Court are now of opinion.

Signature of the President. (See Note 21).

Date. (See Note 21).

The Trial is closed
at — o'clock A. M.
(or P. M.)

Signature of Interpreter. (See Note 21).

Signature of the Superintending Officer. (See Note 21).

NOTES AND INSTRUCTIONS.

(Adapted to the Form of Proceedings of Native Courts Martial).

1. (a) If a Native District Court Martial consists of less than *seven* Officers, or if a Native Regimental or Detachment Court Martial consists of less than *five* Officers, a certificate that so many, respectively, were not available, must, in either case, be annexed to the Proceedings.

(b) The Senior Officer sits as President, without appointment by name.

(c) The President of a Native District Court Martial is not to be under the rank of Subadar, Ressaidar, or Ressaidar.

2. (a) If the Superintending Officer is of less than four years' standing, (unless he is the Adjutant,) a certificate that no Officer of that standing was available is to be annexed to the proceedings. (See Note 23 o.)

(b) One Officer must not perform the double duty of Superintending Officer and Interpreter, if there is another Officer *at the station* competent for either duty. (See Military Regulations, Section XXI., para. 31, and Note 23 o.)

(c) For the Forms of Affirmation to be made by the Superintending Officer, and by the Interpreter, see the 110th and 108th Articles of War for the Native Troops.

3. Trial by Native Courts Martial may be carried on at any time without restriction.—106th Article of War. The hour of first assembly must be named by the convening Officer.

4. (a) Challenge is to be offered at all Courts Martial, except at Summary trials, and at Courts Martial appointed by order of Council.—Article 107.

(b) When the prisoner challenges, the ground of challenge must be recorded. The Officer objected to makes such reply as he considers necessary, and withdraws; and the other Native Officers decide on the challenge in closed Court. If the challenge is over-ruled, the Court is the Officer resumes his seat, and the trial proceeds; if the challenge is sustained, the Court must adjourn to have a new Member appointed, who, in his turn, should be subjected to the option of challenge.

(c) When more prisoners than one are tried together, the option of challenge should be offered individually to each.

(d) Neither the Superintending Officer, nor the Interpreter, is liable to be challenged.

5. For Forms of Affirmation to be made by the Court, see the 108th, 109th, and 110th Articles of War for the Native Troops.

6. (a) The prisoner is not to be asked whether or not he is rightly described in the Charge.

(b) If, when called upon to plead, he makes no objection to the name by which he is described, he adopts it, and cannot afterwards object. If he denies the correctness of the description, he should be required to give what he alleges to be his correct name, which is then to be inserted in the Charge after the other, prefaced by the word "otherwise," as "Ramdeen, otherwise Sowdeen," or "otherwise Rambux," or as the case may be.

(c) If the prisoner refuses to plead, the Court may record a plea of "Not Guilty" in his behalf.

(d) When more prisoners than one are to be tried together, each must be called upon separately to plead.

7. Opening addresses are seldom, if ever, necessary at an Inferior Court Martial.

prisoner makes any complaint in his defence of long detention in confinement, or of harshness of treatment, or the like, an explanation should be afforded here, as it may save correspondence afterwards, which is sure to arise if such statements are left undenied. These statements are not to be rebutted by evidence on oath.

15. If he has not been sworn before.

16. It is imperatively required, when previous convictions do exist, that they shall be given in evidence against a prisoner; and also that his general character shall, in all cases, be inquired into.

17. If the Court Martial Book cannot conveniently be produced, *and evidence of that fact is given*, a certificate prepared from the book may be received in evidence, or oral evidence may be received. (See Article 117).

18. The character should be described as "*very good*," "*good*," "*bad*," "*indifferent*," or "*insubordinate*," in general terms. Particular instances of delinquency are not to be made known to the Court. If the witness cannot speak from his own knowledge or recollection, he may refer to the Defaulters' Book, *but he must not translate any entry in the Book to the Court*.

19. A certificate of the state of the prisoner's health on the day of trial is to be laid before the Court, and annexed to the proceedings; the sentence will be regulated by the opinion of the Medical Officer. Whenever there may be a revision, the Soldier is to be re-examined on the day of re-assembly by the Medical Officer, and a fresh certificate furnished.

20. (a) A Non-Commissioned Officer must be sentenced to be reduced to the ranks, previous to the adjudication of other punishment affecting his person and not involving dismissal; but this Rule does not apply to a Sepoy and Lance Naik, nor if the punishment involves discharge—as corporal punishment for "*disgraceful conduct*," or imprisonment with hard labour.

(b) New Form, A. G.'s O., No. 42 of 6th March, 1866.

(c) The sentence must be declared by a majority of the Court. Taking the mean (*that is, dividing the total number of lashes, or total number of days' imprisonment, by the number of Officers present*), is illegal, and not the sentence of the Court.

21. (a) These signatures must be on the same page as the sentence, and a sufficient space on the same page must be left below them for the flat and signature of the Confirming Officer. If this is not properly attended to, it

by a certificate annexed to the proceedings (See Note 23 p), or by the entry at the foot of the Charge itself of such permission, "by order" of the superior Officer granting the permission.

(1) When a Commanding Officer proceeds under the 95th Article of War for the Native Troops, with regard to an offence ordinarily cognizable by District Court Martial, he must send up with the proceedings, for the information of the Reviewing Officer, a letter explaining his reasons for so doing.

(o) The various certificates (*except of previous convictions*) may, when convenient, be written, one after another, on the same piece of paper. Extracts of previous convictions may be written continuously, with one authenticating signature at the end, but separate from the certificates of delay, &c.

The proceedings of District Courts Martial are required in duplicate.

PROCEEDINGS of a Summary Trial held at —, on the — day of — 187 —, by — A. B., Commanding the —, [1] under the — Articles of War for the Native Troops, for the trial of all such prisoner as he may duly call before him.

PRESENT :

— A. B., Commanding the — Regiment. [1]

ATTENDING THE TRIAL. [2]

— C. D., — Regiment —

— M. P., — Regiment —

INTERPRETER. [3]

— G. H., — Regiment —

The Officers assemble at (*house of meeting*) and the Assembly. trial commences at — o'clock in the — noon. [4]

I. J., — Regiment —, is called in.

The Interpreter makes solemn affirmation. [5]

The Commanding Officer makes oath or affirmation. Article 127

The charge is read and entered as follows: [6]

(*Enter heading and body of charge*).

Charge Read.

Q.—*By the Commanding Officer.*—How say you, I. J. Arraignment.
—, are you guilty or not guilty of the charge preferred against you?

A. — [6]

Plea

H 3

Prosecution.

PROSECUTION.

1st Witness

K. L., —, — Regiment —, is called in, and makes solemn affirmation. [7]

Examined by the Commanding Officer.

Q.

A.

Cross-examined by the Prisoner. [8]

Q.

A.

Re-examined by the Commanding Officer. [8]

Q.

A.

The Witness withdraws.

2nd Witness.

M. N., —, — Regiment —, is called in, and makes solemn affirmation. [7]

(In the same way as with first witness).

Defence.

DEFENCE.

I. J., —, — Regiment —, being called upon to allege anything he may have to say in answer to the charge, (or —after plea of "Guilty," — "in extenuation") states as follows: [9]

1st Witness.

O. P., —, — Regiment —, is called in, and makes solemn affirmation. [7]

Examined by the Prisoner.

Q.

A.

Cross-examined by the Commanding Officer. [10]

Q.

A.

Re-examined by the Prisoner.

Q.

A.

The Witness withdraws.

2nd Witness.

(In the same manner.)

Reply.

REPLY. [11]

1st Witness for
prosecution
re-called.

K. L., —, — Regiment —, is called in, and questioned on his former affirmation.

Examined by the Commanding Officer.

Q.

A.

VERDICT OF THE COMMANDING OFFICER. [12] Finding.

I am of opinion, on the evidence before me, that I. J.,
—, — Regiment —, is guilty of the charge preferred
against him,

(Or "Not guilty, and I acquit him of the charge preferred against him.")

MINUTES BY THE COMMANDING OFFICER. [13]

I am aware, from the Regimental Records, that I. J., Previous Convic-
—, has previously been convicted by Court Martial (or tions.
"in a summary manner"). See Certificate A. annexed.

(Or "— has not been convicted before").

I am further aware that, previous to this trial, his general General charac-
character has been —; that he has been in the service — tor, age, and
years and — months; and that his age is about — years. service.

SENTENCE OF THE COMMANDING OFFICER. [14] Sentence.

Taking all these matters into consideration, I now sen-
tence the prisoner, I. J., —, to —. [15]

(To be signed) A. B., —,

Commanding — Regiment —. [16]

(Date).

(To be signed) C. D., —,

Interpreter at the Trial.

(To be signed) E. F., —, [2]

— Regt. —,

Attending the Trial.

(To be signed) G. H., —, [2]

— Regt. —,

Attending the Trial.

ORDER BY THE COMMANDING OFFICER. [17]

(The necessary directions for the infliction of the punish-
ment), and if, for disgraceful conduct, the Prisoner has
been sentenced to dismissal, imprisonment with hard labor,
or corporal punishment, an order must be recorded direct-
ing his dismissal with ignominy. (See Article 157).

(Signature of the Commanding Officer).

The Trial is closed
at — o'clock — M.

NOTES.

1. Summary trials under Article 90 can only be held by an Officer actually in the command of a Native *Regiment*, or *Corps*. An Officer Commanding a *Wing*, or *Detachment*, or *European Detachment*, to which small Native details are attached, or in charge of a Magazine, can hold them under certain restrictions.*

2. Two Commissioned Officers—either European or Native, or one of each—must, *imperatively*, be present at every summary trial; and must, *imperatively*, sign the proceedings; an accidental omission to sign should be at once corrected. No challenge is allowable at summary trials.

3. There must be an Interpreter, who must, *imperatively*, make affirmation, and also the Commanding Officer, but the two Officers in attendance are *not* to make affirmation. If no other competent person is available, the Commanding Officer may make affirmation as Interpreter and interpret, but he should not act in that capacity if another competent person is available in the same camp or at the same station. The Interpreter must make fresh affirmation at each trial.

4. Hours of sitting are not now fixed by the Articles of War for the Native Troops, but it is proper to record them.

5. Every charge should be specific as regards time, place, and facts; and, when practicable, in the language of the Article of War providing for the offence. It is essential that the prisoner should know what he has to defend himself against; and that the Reviewing Officer should know for what specific crime the prisoner has been tried.

6. If the prisoner refuses to answer, a plea of "Not Guilty" may be entered in his behalf. If two prisoners are tried together, they should be required to plead individually.

7. Christian witnesses make oath; Sikhs also make oath; Hindoos and Mahomedans make solemn affirmation. The evidence must be full and complete, and the law of evidence strictly attended to.

8. If the prisoner puts no question, the entry will be—"The prisoner declines to cross-examine." If there is no cross-examination, of course there can be no re-examination.

9. The statement of the prisoner is to be recorded in his own words; and he is to have the same latitude as at trials by Court Martial. If he states circumstances tending

* Native Doctors are not to be brought to summary trial except on foreign service, when reference cannot conveniently be made to superior authority. G. O., No. 158, 15th July, 1867.



to exculpate himself, or to extenuate his conduct, he should be advised to call witnesses to support his assertion. When several prisoners are tried together, each is to hear the defence of the others.

10. If the Commanding Officer puts no questions, this and the following entry are of course omitted. [8]

11. Evidence in reply will seldom, if ever, be necessary; but the mode of procedure is inserted to meet a contingency.

12. The Officers present at the trial must not vote on the finding; which must, *imperatively*, be the decision of the Commanding Officer alone.

13. These entries should be made for the information of the Reviewing Officer.

14. The Officers present at the trial have no vote on the sentence; it must, *imperatively*, be passed by the Commanding Officer alone.

15. The punishment shall not exceed the sentence of a District Court Martial when the trial is held under Article 94, para. 1; nor that of a Regimental Court Martial when the trial is held under Article 94, para. 2. Any punishment not sanctioned by the Articles of War for such Courts Martial, respectively, or exceeding the specified limit, will be altogether illegal. Under no circumstance can corporal punishment and imprisonment be awarded in conjunction, nor simple imprisonment and dismissal.

16. It is *essential* that the Commanding Officer sign the sentence. He should date it, because imprisonment counts from date of signature.

17. INSTRUCTIONS FOR MAKING UP PROCEEDINGS.

a. The proceedings must, *imperatively*, be recorded in the English language.

b. Separate trials to be separately recorded, each complete in itself.

c. Foolscap paper to be used.

d. Pages to be numbered.

e. Sheets, if more than one, to be fastened together, loosely, with strong thread.

f. If sentence is corporal punishment, medical certificate is requisite.

g. Space for Reviewing Officer's remarks to be left.

h. Proceedings to be docketed briefly, thus—

SUMMARY TRIAL.
Of _____, _____ Regt.
(Station and Date).

SUMMARY COURTS MARTIAL.

G. O., No 213,
of 21st July 1869. It having been ruled that the term "Native details" in the 90th Article of War applies to combatants only, Officers Commanding Brigades or Detachments of Royal Artillery, consisting only of Horse, Field, or Garrison Batteries, must bear in mind that they are not authorized to hold Summary Courts Martial under the 90th of the Indian Articles of War.

The misconduct of Native establishments of such batteries must, when appearing to require punishment by Court Martial, be referred for trial to the Officer Commanding the Station, who is empowered to try the offender under Article 87, or by a District Court Martial under Article 79.

G. O., No 275,
of 27th September 1869. The Commander-in-Chief has observed that many summary trials have been annulled in consequence of the neglect of Commanding Officers to make oath or affirmation as required by the 127th Article of War, the result being a defeat of justice, and the escape of offenders from punishment.

2. The 127th Article of War is so plain in its directions that its non-observance must be attributable to carelessness.

3. Another point on which His Excellency had recently occasion to remark, is that Commanding Officers have tried charges of theft without reference to superior authority, and without any apparent necessity for a summary trial, in disregard of the instructions of Article 93.

4. The Commander-in-Chief expects that Commanding Officers will make themselves better acquainted with the powers entrusted to them by the Articles of War and the forms of procedure enjoined by those Articles.

EUROPEAN COURTS MARTIAL.

The Field Marshal Commanding-in-Chief having approved of a printed Form of Proceedings of Courts Martial, which has been submitted and recommended by the Right Honorable the Judge Advocate-General, His Royal Highness is pleased to direct that the same shall be taken into use and adopted in all future trials. G. O., No 37,
May, 1867

As the adoption, however, of these printed Forms by Regimental Courts Martial entail inconvenience in keeping the proceedings in the General Book at present in use, His Royal Highness desires that the whole of the proceedings of such Courts should be written on the paper used for those Books.

No. 37 Courts Martial is brought into force into India. G. O., No 25
March, 1868.

FORM OF RECORDING THE PROCEEDINGS OF A GENERAL COURT MARTIAL, *including some of the more unusual incidents which may occur to vary the ordinary course of procedure, with instructions for the guidance of the Court.**

PROCEEDINGS of a GENERAL COURT MARTIAL, held at ———, on the ——— day of ——— 187—, by order of ———, Commanding ———, dated the ——— day of ——— 187—.

PRESIDENT:

—————

MEMBERS:

Rank.	Name.	Regiment.
—————	—————	—————
—————	—————	—————
—————	—————	—————

—————, Deputy Judge-Advocate.

At ——— o'clock the Court opens.

[No. — Rank ——— Name ——— Regiment] is First day.
brought a prisoner before the Court.

The order for convening the Court, and the warrants appointing the President and Deputy [or Officiating] Judge Advocate, are read.

* N. B. — With obvious alterations and omissions, this Form is applicable to District or Regimental Courts Martial. For General and District Courts Martial, W. O., Form 612 is to be used in accordance with those instructions.

The names of the President and Members of the Court are read over in the hearing of the prisoner, and they severally answer to their names.

Question by the
President to the
prisoner.
Answer,

Do you object to be tried by me as the President, or by any of the Officers whose names you have heard read over?

[Instruction.—*The questions are to be numbered throughout consecutively in a single series. The letters Q. and A. in the margin may stand for "Question" and "Answer," respectively.*]

VARIATIONS.

Challenging President.

Answer.—I object to ———

Question to the prisoner.—
State your objection?

Prisoner.—

The prisoner, in support of his objection, requests permission to call ———

——— is called into Court, and is questioned by the prisoner.

The Court is cleared.

Decision.—The Court, by a majority of two-thirds, disallow the objection. Or,

The Court suspend their proceedings, and refer the prisoner's objection to the convening Officer.

At ——— o'clock the Court resume their proceedings, and a letter, (&c.,) is read to the prisoner, marked ——— and attached to the proceedings.

N. B.—*The Judge-Advocate cannot be objected to by the prisoner.*

Challenging Member.

Answer.—I object to ———

Question to the prisoner.—
State your objection to ———

Prisoner.—

The prisoner, in support of his objection to ———, requests permission to call ———, &c., &c.

The Court is cleared.

Decision.—The Court disallow the objection.

The Court is re-opened, and the above decision is read to the prisoner.

Decision.—The Court allow the objection.

The President informs ——— that he is not required to serve on this Court Martial.

The Court is re-opened, and the above decision is made known to the prisoner.

New Member.—(*Rank — Name — Regiment*) takes his place as a Member of the Court.

Question to prisoner.—Do you object to be tried by ——— as a Member of this Court Martial?

Answer. ———

(*Any objection is dealt with as in the case of an original Member.*)

The President, Members, and Judge-Advocate are duly sworn.

The prisoner [*No. — Rank — Name — Regiment*] is arraigned upon the following

CHARGE.

Charge.

Are you guilty or not guilty of the charge against you which you have heard read?

Question to the prisoner.

Answer.

[Instructions.—1. It is generally advisable that the witnesses be ordered out of Court at this stage of the proceedings.

2. All proceedings of the Court, except when it is cleared for deliberation, are to take place in presence of the prisoner.

3. No Court Martial should proceed to trial until they have satisfied themselves of their competence to deal with the charge, both as respects their jurisdiction and the precision with which the charge is worded].

VARIATIONS.

1. The prisoner not pleading [refusing to plead] to the above charge, the Court enter a plea of "not guilty."

2. *Plea.*—The prisoner pleads ————— (in bar of trial).

The Court disallow the plea in bar of trial, and require the prisoner to plead to the charge.

Question to the prisoner.—Have you any evidence to produce in support of your plea?

Answer. —————

(Witness examined on oath).

The Court are of opinion that the prisoner has not [has] substantiated his plea, and, in consequence, proceed with the trial [do therefore adjourn until further orders].

(Rank — Name — Regiment) appears as prosecutor, and reads the following address, which is marked ———, signed by the President, and attached to the proceedings.

[Instruction.—If possible, no Officer who is to be called as a witness is to be appointed to act as prosecutor. When the prosecutor is required to give evidence, he must be sworn].

The prosecutor proceeds to call witnesses.

(Rank — Name — Regiment) being duly sworn is examined by the prosecutor.

First witness for prosecution.

Q.
A.

Cross-examined by the Prisoner.

[Instruction.—Although a prisoner may have a professional adviser near him, during the trial, to advise him on all points, and to suggest, in writing, the questions to be put to witnesses, such adviser is not to be permitted to address the Court, or to examine witnesses orally].

Q.

A.

Re-examined by the Prosecutor.

Q.

A.

Examined by the Court.

Q.

A.

The witness withdraws.

[Instruction.—It is usual to read the whole of a witness's deposition to him before he quits the Court, in order that he may correct any accidental mistake or omission in the recorded minutes. The Court may put questions to witnesses at any stage, but it is preferable to defer them until the examination of the witnesses by the parties to the trial has been concluded].

VARIATION.

The prisoner declines cross-examining this witness.

[Instruction.—In every case where the prisoner does not cross-examine a witness for the prosecution, this statement is to be made in order that it may appear on the face of the proceedings that he has had the opportunity given him of cross-examination.

Second witness ————— being duly sworn, is examined
for prosecution. by the prosecutor.

(The examination, &c., proceeds as above).

[Instruction.—There is to be a blank line between the recorded minutes of every two witnesses].

At — o'clock the Court adjourn until — o'clock on the —.

On —, the — of — Second day, 187—, at — o'clock, the Court re-assemble, pursuant to adjournment, present the same Members as on —.

VARIATIONS.

(Rank — Name — Regiment) being absent.

(The absence is accounted for).

The Judge-Advocate produces a medical certificate, which is read, marked —, and attached to the proceedings.

The Court adjourn until —.

The Court being below the number required by the Mutiny Act, adjourn until further orders; or,

There being present (not less than the least number required by the Mutiny Act) Members, the trial is proceeded with.

A warrant is read, bearing date —, appointing (the senior Member) President of the Court Martial in the place of —, who —.

The trial is proceeded with.

A warrant is read, bearing date —, appointing — to act as Judge-Advocate in the place of —, who —.

— is duly sworn.

The trial is proceeded with.

[Instruction.—No proceedings can take place in the absence of either President or Judge Advocate].

Absent Member.

New President.

New Judge-Advocate.

Examination [cross-examination] of — continued.

Q.

A.

Do you intend to call any witness in your defence?

Q.

Yes.

A.

[Instruction.—If the prisoner replies in the negative, the course prescribed in para. 772a. of the text will be pursued].—Q. R.

The prosecution is closed.

Defence

DEFENCE.

The prisoner having been called upon to make his defence, says —————
[or request to be allowed ——— days to prepare his defence.]

The prisoner calls the following witnesses.

First witness for
defence.

(Rank — Name — Regiment) is duly sworn.

Examined by the Prisoner.

Q.

A.

Cross-examined by the Prosecutor.

Q.

A.

Re-examined by the Prisoner.

Q.

A.

Examined by the Court.

Q.

A.

The witness withdraws.

Close of the de-
fence.

The prisoner reads an address, which is marked ———, signed by the President, and attached to the proceedings.

[Instruction.—If necessary, the Court may now be adjourned to enable the prosecutor to prepare his reply; the fact of adjournment being recorded as before].

Reply.

The prosecutor reads the reply marked ———, which is signed by the President, and annexed to the proceedings.

[Or the prosecutor declines making a reply].

The Court adjourn until ——— to enable the Deputy Judge-Advocate to prepare his summing up.

—the day,
Summing up.

The Court re-assemble on ———, and the prisoner being present, the Deputy Judge-Advocate reads the summing up, which is marked ———, signed by the President, and attached to the proceedings.

The Court is cleared for the purpose of considering the finding.

FINDING.

The Court find that the prisoner (No. — Rank — Name Finding.
— Regiment)
is not guilty of the charge; Not guilty.
is guilty of the charge ^{or,} [all the charges]; Guilty.
^{or,}
is guilty of the first charge and guilty of the second charge,
with the exception of _____;

^{or,}
is not guilty of desertion, but is guilty of absence with-
out leave.

[Instruction.—In all cases when the Court acquit the
prisoner, the Finding is to be recorded in simple terms
“Not Guilty.” If on the trial of a Commissioned Officer
they desire to acquit the prisoner honourably, they are to
state so in a separate letter].

PROCEEDINGS BEFORE SENTENCE.

The Court being re-opened, the prisoner is again
brought before it.

(Rank — Name — Regiment) is duly sworn.

What record have you to produce in proof of former Question by the
convictions against the prisoner? President.

I produce a verified extract from _____ Answer.
[or there are none].

This document being read, compared with the original,
and found correct, is marked _____, signed by the
President, and attached to the proceedings.

Is the prisoner under any sentence at the present time?

Q.
A.

What is the prisoner's general character?

Q.
A.

What is his age?

Q.
A.

What is the date of his attestation?

Q.
A.

What service is he allowed to reckon towards discharge?

Q.
A.

Is the prisoner in possession of any decorations or
honorary rewards?

Q.
A.

[Instruction.—In a case of desertion, it is to be asked and
recorded whether the prisoner surrendered or was appre-
hended].

The Court is again cleared.

SENTENCE.

Sentence.	The Court sentence the prisoner No. — (Rank — Name) — Regiment. The trial is closed at — o'clock — M. [Instruction.—The sentence is to be marginally noted in every case].
Death.	a. To suffer death by being shot [hanged].
Penal servitude — years.	b. To suffer penal servitude for the term of — years [or for life].
Cashiered.	c. To be cashiered.
Deprived of pay for — days.	d. To be fined —s. —d.
Reduction.	e. To be reduced to the ranks. [Instruction.—This implies reduction of a Non-Commissioned Officer to gunner, driver, sapper, or private, as the case may be. See para. 761]. Q. R.
Impt. H. L. for — days.	f. To be imprisoned with hard labor [with such labor as in the opinion of the Medical Officer of the prison he may be equal to] for — days.
81 days' Impt. H. L. and S. C.	g. To be imprisoned for eighty-four days, forty-two of the said eighty-four days to be solitary confinement, such solitary confinement not to exceed fourteen days at a time, with intervals between the periods of solitary confinement of not less duration than such periods, the remainder of the imprisonment to be with hard labor (or as in f).
— Days' Impt. H. L. and S. C.	[N. B.—In the foregoing the maximum of solitary confinement is given]. h.* To be imprisoned for — days, — of the said — days to be solitary confinement, such solitary confinement not to exceed seven days in any twenty-eight days, with intervals between the periods of solitary confinement of not less duration than such periods, the remainder of the imprisonment to be with hard labor (or as in f).
Stoppages.	i. To be put under stoppages of pay until he shall have made good the following articles, viz. — [or until he shall have made good the sum of —, as the case may be], vide Articles of War 130 and 131.
— lashes.	j. To suffer a corporal punishment of — lashes, and to be imprisoned, &c., &c. (as in f, g, or h).
Forfeiture of pension, &c.	k. To forfeit absolutely (or for any period not less than 18 months) Good Conduct Badge (or Badges) and pay which he has earned by past service. (No. of badges to be specified); or,
Forfeiture of medal.	To forfeit the annuity (gratuity, medal, or decoration, each to be specified), which has been granted him;

* When the imprisonment awarded exceeds 81 days.

To forfeit all ^{or,} or any advantage as to pension which he has earned by past service;

To forfeit all right ^{or,} to Good Conduct Pay and to Pension on discharge, whether in respect of past or future service.

Note.—See 117 Article.—*All or any of these may be sentenced.*

[Instruction.—*The medals are to be described*].

m. And also to be marked with the letter D. Marked D.

n. The Court do further sentence him to be discharged with ignominy from Her Majesty's service, Discharged with ignominy, and marked D. C. and also to be marked with the letters D. C.

The trial is closed at — o'clock — m.

Signed at —, this — day of — 187—.

(Signature)

(Signature)

Judge-Advocate.

President.

[Instruction.—*Space of at least half a page is to be left for the remarks of the confirming Officer*].

Confirmed,

^{or,}

[I confirm the finding and sentence of the Court, but [mitigate] remit —].

(Date).

(Signature of Confirming Authority).

I hereby approve [As Civil Governor, I further approve] the sentence of the Court upon (No., rank, and name of prisoner) on behalf of Her Majesty.

(Date).

(Signature of Civil Governor).

N. B.—This approval on behalf of Her Majesty is equally necessary to the carrying into effect of a capital sentence in those cases where the confirming authority also administers the civil Government.

REVISION.

On —, the — day of —, at — o'clock, the Court re-assemble by order of —, for the purpose of re-considering their —.

Present, the same Members as before.

The letter [order or memorandum] containing the instructions to the Court, and the reasons of the revising authority for requiring a revision of the finding (or sentence) is read, marked —, signed by the President, and attached to the proceedings.

The Court having attentively considered the observations Revised finding. of the revising Officer, and the whole of the proceedings

a. Do now revoke their former finding, and are of opinion, &c. ;

or,

Revised sentence. *b.* Do now revoke their former sentence, and now sentence the prisoner, &c., &c. ;

or,

Revised finding. *c.* Do now revoke their former finding and sentence. The Court are now of opinion, &c., &c. ;

Revised sentence. *d.* Do now respectfully adhere to their former sentence [finding and sentence].

The trial is closed at — o'clock — M.

Signed at ———, this ——— day of ——— 187—.

(Judge-Advocate.)

(President.)

[Instruction.—No additional evidence for prosecution or defence can be received on the revision, and no portion of the original minutes can be altered.]

Recommendation to mercy, &c.

[Instruction.—When the Court have passed judgment, and desire to recommend the prisoner to the favourable (merciful) consideration of the confirming authority, or to remark on the conduct of the parties before them, or on the manner in which a particular witness has delivered his testimony, &c., &c., they are to embody their views in a separate letter, to be signed by the President, and forwarded with the proceedings to the confirming authority, or to the Judge-Advocate General, as the case may be.]

FORM OF SUMMONS TO A CIVIL WITNESS.

To ———.

Whereas a ——— Court Martial has been ordered to assemble at ———, on the ——— day of ——— 187—, for the trial of ———, of the ——— Regiment, I do, by virtue of the authority vested in me by the thirteenth section of the Mutiny Act, summon and require you, A. — B —, to attend as a witness the sitting of the said Court, at ———, on the ——— day of ———, at ——— o'clock in the forenoon, [and to bring with you the documents hereinafter mentioned, namely, ———]; and so to attend from day to day until you shall be duly discharged; whereof you shall fail at your peril.

Given under my hand at ———, on the ———, day of ——— 187—.

(Signature) ———

Deputy Judge-Advocate
(or President).

FORM OF CERTIFICATE OF PREVIOUS CON-
VICTIONS.

*Certified Copy of an Entry [or Entries] of the previous
Convictions by Courts Martial [or by Civil Court] of
No. , A. B., of the
taken from the Court Martial Book [or Regimental
or Company's Defaulters' Book, as the case may be],
of the Regiment.*

Description of Court Martial by which tried.	Place and Date of Trial.	Charges upon which tried.	Finding and Sen- tence of the Court.	Minute of Con- firmation.	Sentence whether inflicted or re- mitted.

Authenticated by _____ (here the signature
of the Officer certifying to the correctness of the extract is
to be given).

Dated at _____
this _____ day of _____, 187 .

(To be signed by the President, and attached to the pro-
ceedings).

FORMS OF CHARGES.

The following Forms of Charges are to be used as occasion may require, in arraigning prisoners before a Court Martial:—

N. B.—The marginal references apply to the Articles of War for the year 1867.

MUTINY.

- 15th Cl., M. Act.
36th Art of War.
1. Having, on the _____ 18____, at _____, begun [excited, caused, *or* joined in, *as the case may be*,] a mutiny in the _____ Regiment;
or,
 2. Having, on the _____ 18____, at _____, when present at a mutiny taking place in the _____ Regiment, not used his utmost endeavour to suppress the said mutiny;
or,
 3. Having at _____ come to the knowledge of a mutiny [or an intended mutiny, *as the case may be*], in the _____ Regiment, and not having [without delay] given information thereof to his Commanding Officer;
or,
 4. Having on the _____, at _____, conspired with _____ to mutiny.

INSUBORDINATION.

6. Striking a Superior Officer.

15th Cl., M. Act.
37th Art of War.

Insubordination, accompanied with personal violence, in having, at _____, on the _____, struck [with his clenched fist, *or* open hand, *or* missile, *or* weapon, *as the case may be*] _____, of the _____, the said _____ being his superior Officer, and being in the execution of his office;

or, 6. Using or offering Violence against a Superior Officer.

Insubordination, accompanied with personal violence, in having, at _____, on the _____, offered [or used, *as the case may be*], violence against _____, by _____,

[here state the precise nature of the violence used or offered],
the said being his superior Officer, and being in
the execution of his office.*

7. *Offering Violence in a Military Prison.*

Insubordination, accompanied with personal violence, in 37th Art. of
having, when confined in the military prison at War,
on the , struck [used, or offered* violence
against, as the case may be] of the
the said being a visitor of the said prison [or,
his superior military Officer, as the case may be], and then
and there in the execution of his office.

8. *Disobeying the Command of a Superior Officer.*

Insubordination in having, at , on the , 38th Art. of
disobeyed the lawful command of , his superior Officer, War,
by [here describe the precise nature of the act of disobedience
imputed to the prisoner].

9. *Using Threatening Language to a Superior.*

N. B.—If insubordinate language accompany the act or acts of violence, it
should not form the subject of a separate charge, but be stated as a circumstance
in the charge alleging the violence. It is essential that the precise language
used should be specified in the charge; and if accompanied by gesture, the
same should be accurately described.

Insubordination in having, at , on the , 11st Art. of
used threatening or insubordinate language towards War,
his superior Officer, in substance and to the effect following,
that is to say, "I will take away your life."

DESERTION AND ABSENCE WITHOUT LEAVE.

10. *Desertion.*

1st. Having deserted † from the regiment at 42nd Art. of
, on the War (1st Cl.)

N. B.—If the prisoner made away with any of his regimental clothing, ap-
pointments, or necessaries, it should form the subject of a second charge, viz. :—

2nd. Having, at the time stated in the first charge, made 102nd Art. of
away with the following articles of his kit, viz. : War.

[Here specify the different articles deficient, and in the case
of a great coat, its estimated value.]

N. B.—If the prisoner re-enlisted into another Corps, and obtained bounty,
a charge should be added as follows :—

3rd. Having, whilst in a state of desertion from the

* By the words "Offer of Violence" is implied any threatening act or gesture
amounting to an attempt to use violence.

† Evidence should be given to the Court of the period of absence, of the
surrender or apprehension of the prisoner, and other circumstances bearing
upon the degree of his offence.

as stated in the first charge, enlisted into the
on the , and having, by such enlistment, fraudu-
lently obtained a bounty of , and also a free kit,
value

11. *Advising or Persuading others to Desert.*

44th Art of
War.

Having, at , on the [or between the
and], advised [or persuaded, *as the
case may be*], Private , of the Regi-
ment, to desert from Her Majesty's service, by having in
conversation with the said Private said to him [*here state
the acts done or the words used by the way of advice or per-
suasion*].

12. *Knowingly Receiving and Entertaining a Deserter.*

44th Art of
War

Having, at , on the , received and
entertained , of the , knowing him to be a
deserter, and not having immediately given notice to the
proper authority, with a view to cause the said
to be apprehended.

13. *Fraudulent Confession of Desertion by a Soldier
while Serving.* *

46th Art of
War.

Having, at , on the , made a false state-
ment to his Commanding Officer, by fraudulently confessing
himself to be a deserter from the regiment

14. *Absence without Leave.*

50th Art. of
War.

Having, at , on the , without leave
from his Commanding Officer, absented himself from the
Regiment, and having remained so absent until
the

OFFENCES IN THE FIELD, CAMP GARRISON,
OR QUARTERS.

15. *Sleeping on a Post.*

57th Art. of
War.

Sleeping on his Post when sentry over
[station], between the hours of and o'clock, on
the

(*Name of the Post or Guard should be stated.*)

16. *Leaving a Post before being relieved.*

57th Art of
War.

Having, before being regularly relieved, left his post
when sentry over post (*or guard, to be here stated*), at [sta-
tion], between the hours of and o'clock, on
the

17. *Leaving a Guard or Picquet.*

Having, on the , left his guard [or picquet or 65th Art. of post, as the case may be] at , without having first War obtained leave from the Officer [or Non-Commissioned Officer] in command of the said guard [or picquet or post], and for not having returned until

[N. B.—If the offender should not return to his guard or picquet before it is relieved, the latter part of the charge to be worded accordingly.]

18. *Breaking Arrest or Escaping from Confinement.*

Having, at , on the , whilst under 69th Art. of arrest [or a prisoner in confinement, as the case may be] in War. the [here specify the place in which he was confined], broken his arrest [or escaped from such confinement as the case may be] before he was set at liberty by proper authority.

19. *Absence from Parade.*

Having, at , on the , failed to appear 70th Art. of at , the place of parade appointed by his Com- War. manding Officer.

20. *A Commander of a Guard, Picquet, or Patrol suffering a Prisoner committed to his charge to escape.*

Having, when in command of [here state whether a guard, 73rd Art. of picquet, or patrol], at , on the , negli- War. gently [or wilfully, as the case may be] suffered a prisoner committed to his charge, to escape [or released him without proper authority, as the case may be].

DRUNKENNESS.

21. *Drunk on Duty under Arms.*

Having, on the , been drunk, 77th Art. of when on duty, when on the , guard at [or on War. Picquet, as the case may be].

N. B.—The name of the Guard should always be stated; and if the prisoner was on sentry at the time, the particular post should be inserted in the charge.

Having, at , on the been drunk

- 78th Art of War. c. Having, at ^{or,} , on the , been drunk when on parade [*state the particular parade*];
- d. Having, at ^{or,} , on the , been drunk on the line of march* between and

DISGRACEFUL CONDUCT.

24. *Fraudulently Misapplying Public Money or Stores.*

80th Art. of War.

Disgraceful Conduct in having, at , on the , fraudulently misapplied

a. The sum of , being public money entrusted to him by , for the purpose of [*here state the facts fully*].

[N. B.—This is applicable to a Pay-Sergeant making away with money entrusted to him for the payment of his troop, battery, or company.]

b. The following property [*or stores*] belonging to Government, viz., [*here state the property and its value*].

25. *Malingering and Feigning Disease.*

81st Art of War.

Disgraceful Conduct at , on the , in malingering [*feigning or producing disease or infirmity, or wilfully doing any act, or wilfully disobeying any orders, thereby producing or aggravating disease or infirmity or delaying his cure, as the case may be*].

[N. B.—In each case the acts done or omitted to be done, from whence the Court are to draw the inference that he malingered, &c., &c., should be specified.]

26. *Wilfully Maiming or Mutilating.*

81st Art of War.

Disgraceful Conduct in having, at , on the , wilfully maimed [*or injured*] himself, by discharging a loaded musket through his wrist [*or inflicting a wound with , as the case may be*] with intent thereby to render himself unfit for Her Majesty's service;

* The words "line of march" are to be understood in their literal and obvious sense, that is to say, as being applicable to the period alone during which the Soldier is actually on his day's march from one station or halting place to another.

or,

27. *Maiming or Injuring another Soldier.*

Disgraceful Conduct in having, at _____, on the _____, wilfully maimed [or injured] Private _____, by discharging a loaded musket through the wrist of him, the said Private _____ [or inflicting a wound with _____, as the case may be], with intent thereby to render him, the said Private _____, unfit for Her Majesty's service.

28. *Tampering with Eyes.*

Disgraceful Conduct in having, at _____, on the _____^{81st Art. of War.}, tampered with his eyes by [describe the nature of the act supposed to have been done by the prisoner], with intent thereby to render himself unfit for service.

29. *Stealing or Feloniously Receiving.*

a. Disgraceful Conduct in having, at _____, on the _____^{81st Art. of War.}, stolen the following property belonging to _____ viz., [here describe the articles and their value ;

or,

b. Disgraceful Conduct in having, at _____, on the _____, feloniously received the following articles, the property of _____, knowing the same to have been stolen, viz., [here describe the articles and their value.]

[N. B. —Both these charges are to be used in the cases where a Soldier is found in possession of stolen property, and it is not certain that he committed the theft].

30. *Offence of a Felonious or Fraudulent Nature upon a Civilian.*

Disgraceful Conduct in having, at _____, on the _____^{81st Art. of War.}, fraudulently obtained from _____, a civilian, the sum of _____, [or goods amounting to _____, as the case may be], by _____

[Here state the precise nature of the trick or pretence by means of which the money or goods was or were obtained].

31. *Indecent Assault.*

Disgraceful Conduct in having, at _____, on the _____^{81st Art. of War.}, committed an indecent assault upon _____

32. *Producing False or Fraudulent Accounts or Returns.*

88th Art. of War.

Disgraceful Conduct in having, on the _____, at _____, in his capacity of serjeant-major [quarter-master serjeant, pay-serjeant, or pay-corporal, *as the case may be*], with intent to defraud, produced to the paymaster [adjutant, or other officer, *as the case may be*] certain false certificates [or vouchers or accounts], as follows:—

[Here specify the particular nature and description of the certificates or vouchers or accounts produced].

MISCELLANEOUS OFFENCES.

33. *Making away with, &c., Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries.*

102nd Art. of War.

Having, at _____, on the _____, made away with [pawned, sold, lost by neglect, wilfully spoiled, *as the case may be*] the following articles, *viz.*:—

[Here specify the different articles in detail, and the value of each, with the exceptions provided for in the 131st Article of War].

34. *Writing an Anonymous Letter to a Superior.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, written and sent to [A. B.], his superior Officer, an anonymous letter, which letter contained the following passage [*to be set out in words; if no particular passage can be selected, the whole letter should be set out*].

35. *Obstructing and Assaulting the Police in the Execution of their Duty.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, assisted [Soldiers or Civilians, *as the case may be*] in obstructing and assaulting constables _____ and _____ in the execution of their duty.

[N. B.—The particulars in every case are to be distinctly specified. If the prisoner actually joined the party, he is to be charged with the actual assault and obstruction, whether he was guilty of any violence or not].

36. *Forcing or Striking a Sentinel.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, wilfully struck Private _____, he being at the time Sentry on duty [*or for having forced a Sentry, as the case may be*].

37. *A Non-Commissioned Officer allowing a Prisoner in his charge to get Drunk.*

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, when serjeant [or corporal] of the _____ guard, wilfully [or through neglect] allowed Private _____ to get drunk, when a prisoner under his charge. 105th Art. of War.

38. *A Sentry neglecting to obey the orders of his Post.*

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, when on Sentry at No. _____ post of _____ guard, wilfully [or by neglect, as the case may be] allowed (here state the particular fact), thereby neglecting to obey the orders of his post. 105th Art. of War.

39. *Irregular Conduct on Guard.*

Conduct to the prejudice of good order and military discipline— 105th Art. of War.

a. In having, at _____, on the _____, when on sentry at No. _____ post of _____ guard, delivered over his charge to Private _____, without a Non-Commissioned Officer being present at the relief [or in having, &c., &c., when on guard, relieved Private _____, who was on Sentry at _____, without being regularly posted at such relief by a Non-Commissioned Officer of the guard];

or,

b. In having, when Corporal of the _____ guard, at _____, on the _____, wilfully permitted Private _____, one of the guard, to relieve Private _____, who was then on Sentry at No. _____ post, without him, the prisoner, being present at the relief.

40. *Drunk and Riotous.*

Conduct to the prejudice of good order and military discipline— 105th Art. of War.

a. In having been drunk and riotous in the streets [or barracks, as the case may be] at _____, on the _____, and for resisting and offering violence to the picket ordered to take him into confinement;

or,

b. In having been drunk and riotous in the streets, at _____, on the _____, and for having drawn [or attempted to draw] his bayonet upon _____

41. *Breaking out of Barracks after Tattoo.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in breaking out of barracks after tattoo, at _____, on the _____, and remaining absent until the _____.

42. *Breaking out of Barracks when confined thereto.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in breaking out of barracks when confined thereto, at _____, on the _____, and remaining absent until the _____.

43. *Preferring frivolous and unfounded complaints as to the quality of provisions or necessaries.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, wilfully preferred a frivolous and unfounded complaint by saying [*the complaint to be here stated in terms*].

44. *Firing off a Musket loaded with Ball in his Barrack Room.*

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, fired off, in his barrack room, a musket loaded with powder and ball, thereby endangering the lives of other Soldiers, and wantonly expending a round of the service ammunition entrusted to his charge, and further causing barrack damages to the amount of _____.

45. *Military Witness refusing to be sworn.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, when in attendance as a witness at a _____ Court Martial, held for the trial of _____, unlawfully refused to be sworn in order to give his evidence.

46. *Military Witness refusing to give Evidence.*

105th Art. of War.

Conduct to the prejudice of good order and military discipline in having, at _____, on the _____, after being duly sworn as a witness before a _____ Court Martial then sitting for the trial of _____, unlawfully refused to [*here state the nature of the refusal, whether to give evidence, or to answer questions, or both, as the case may be*].

47. *Perjury.*

105th Art. of War.

Perjury in having, at _____, on _____, when sworn and examined as a witness before a _____ Court Martial then being held for the trial of _____, wilfully and corruptly made the following statement material to the question then at issue before the said Court [*here set out the words used*], the said statement being false, as he, the prisoner, well knew.

NOTES AND INSTRUCTIONS.

(For guidance in conducting European Courts Martial in India.)

1. Care must be taken that a District Court Martial, for the trial of a Warrant Officer, is composed in strict conformity with the directions given in the 11th Article of War.

A Field Officer is to be appointed as President of a District Court Martial, unless a Field Officer cannot conveniently be had; in the latter case, a certificate stating the circumstance is to be annexed to the Proceedings.

If no Captain is available at the Station, a Subaltern Officer may be appointed President of a Regimental or Detachment Court Martial; but, in such case, a certificate to that effect is to be annexed to the Proceedings.

The President of every Court Martial shall be appointed by or under the authority of the Officer convening such Court, and shall, in no case, be the confirming Officer, or the Officer whose duty it has been to investigate the charges on which the prisoner is to be arraigned.

If a Regimental or Detachment Court Martial consists of less than *five* Officers, a certificate that so many were not available must be annexed to the Proceedings.

The Officer who is to depose to the general character of the prisoner, is not to sit as President or Member of the Court Martial, except in case of *unavoidable necessity*.

2. When there is no Native Witness, there will be no Interpreter.

The following is a sufficient Form of Oath to be made by the Interpreter, at an European Court Martial.

"I swear, that I will faithfully interpret and translate in all cases in which I shall be called on so to do, in the course of the present trial. So help me God."

Under no circumstances is an Interpreter to be present at an European Court Martial when the Court is closed, or informed of the sentence before it is confirmed, or to affix his signature to the Proceedings.

3. The Court must sit between the hours of six in the morning and four in the afternoon, except in cases which require immediate example.

4. When the prisoner challenges, the ground of challenge must be recorded. Should the *President* be challenged, the objection may be disallowed by two-thirds at least of the other Officers appointed to form the Court;

NOTES AND INSTRUCTIONS

otherwise it must be referred for the decision of the authority by whom the President has been appointed. Should a *Member* be challenged, he makes such reply as he considers necessary, and withdraws; and the President and other Members decide on the challenge in closed Court. If the challenge is over-ruled, the Court is opened, the Officer resumes his seat, and the trial proceeds; if the challenge is sustained, the Court must adjourn to have a new Member appointed, who, in his turn, must be subjected to the option of challenge.

When more prisoners than one are tried together, the option of challenge must be offered individually to each.

5. The prisoner is not to be asked whether or not he is rightly described in the charge.

If, when called upon to plead, he makes no objection to the name by which he is described, he adopts it, and cannot afterwards object. If he denies the correctness of the description, he should be required to give what he alleges to be his correct name; which is then to be inserted in the charge after the other prefaced by the word "otherwise," as "John Jones, otherwise Thomas Jones," or otherwise "John Brown," or as the case may be.

If the prisoner refuses to plead, the Court may record a plea of "Not Guilty" in his behalf.

When more prisoners than one are to be tried together, each must be called upon separately to plead.

6. Opening addresses are seldom, if ever, necessary at an inferior Court Martial.

7. The Religion ("Hindoo," "Mahomedan," or "Seikh,") of Native Witnesses is to be noted here.

8. A Hindoo Witness *makes solemn affirmation* in the following form:—

"Myn dhurum ke roo se, Purneshwur Bhugwan ko janmanke, bacha kurta hoon, kih bat jo myn kuhoon so suchchee kuhoonga, uor bina lugao, t'hore buhoot ke, sub such kuhoonga, uor siwa such ke, kuchh uor nu kuhoonga."

A Mahomedan witness *makes solemn affirmation* in the following form:—

"Myn eeman ke roo se Huqtula khoda ko hazir uor nazir janke, iqrar kurta hoon kih bat jo myn kuhoon so suchchee kuhoonga, uor bina lugao, t'hore buhoot ke sub such kuhoonga, uor siwa such ke, kuchh uor nu kuhoonga."

A Soikh witness is *duly sworn* according to the following form:—

"Myn Gooroo Grunth Sahibjee kee qasum khata hoon kih bat jo myn kuhoon so suchchee kuhoonga, uor bina lugao

t'hore buhoot ke, sub such kuhoonge, nor nu kuhoonga, uor jo myn jhoot kuhoon to Gooi-oo Grunth Sahib mooji pur aint dalon."

The charge is not to be read to any witness,

9. Should the opposite party decline to cross-examine, the entry will stand—"The prisoner (or Prosecutor) declines to cross-examine."

Every question, even if rejected, must be recorded.

10. If the opposite party does not re-examine, or if the Court puts no question, entries to that effect are of course unnecessary.

11. The prisoner may address the Court either before or after examining his witnesses.

If he had pleaded guilty, the entry will stand—"Being called upon for anything he may have to say in extenuation, states."

If the prisoner addresses the Court orally, his words are to be recorded exactly as he delivers them; if he gives in a written address, it is to be read for him if he desires it, and entered in the body of the Proceedings.

12. If a prisoner in his defence makes any statement, which, if established, would prove his innocence, or extenuate or excuse his offence, and yet fails to produce evidence to support such statement, it is the duty of the Court to advise him to call witnesses and examine them on such points. This procedure should be noted on the record, when necessary.

13. As a general rule a reply is seldom requisite at an inferior Court Martial. (See also note 6.) But if the prisoner makes any complaints in his defence of long detention in confinement, or of harshness of treatment, or the like, an explanation should be afforded here, as it may save correspondence afterwards, which is sure to arise if such statements are left undenied. These statements are not to be rebutted by evidence on oath.

14. It is optional with the Officer ordering the trial, when previous convictions do exist, to decide whether they shall not be given in evidence against a prisoner.

15. If neither the Court Martial Book, nor the Defaulters' Book, can conveniently be produced, and evidence of that fact is given, a certificate prepared from either Book may be received in evidence.

16. Questions as to character must not be put at the trial of a Warrant Officer.

The character should be described as "*very good*," "*good*," "*bad*," "*indifferent*," "*drunken*," *insubordinate*, in general terms. Particular instances of delinquency are not to be made known to the Court. If the witness cannot speak from his own knowledge, or recollection, he may refer to the Defaulters' Book, *but he must not show the Book to the Court*.

17. A certificate of the state of the prisoner's health on the day of trial is to be laid before the Court, and annexed to the proceedings; the sentence will be regulated by the opinion of the Medical Officer. Whenever there may be a revision, the Soldier is to be re-examined on the day of re-assembly by the Medical Officer, and a fresh certificate furnished.

18. See Circular from Adjutant General's Department, 125 E., 6th September 1865, for forms of Sentences of Imprisonment, Corporal Punishment, &c.

A Non-Commissioned Officer must be sentenced to be reduced to the ranks, previous to the adjudication of other punishment affecting his person; but this Rule does not apply to a Gunner and acting Bombardier, or to a Private and Lance Corporal.

Due attention must be paid to the Rules authorizing the infliction of corporal punishment only for certain offences.

The sentence must be declared by a majority of the Court. Taking the mean (*that is, dividing the total number of lashes or total number of days' imprisonment, or of forfeiture, by the number of Officers present*) is illegal, and *not* the sentence of the Court.

19. The signature must be on the same page as the sentence, and a sufficient space on the same page must be left below it for the fiat and signature of the confirming Officer. If this is not properly attended to, it will be necessary to return the proceedings for re-transcription of the sheet on which the sentence may be written.

If the President omits to affix the date of signature, the Proceedings must be returned to him for the purpose.

20. If a prisoner has been originally acquitted, and convicted on revision, the inquiry into previous convictions, general character, &c., will now take place.

*See Adjutant General's Order No. 42 of 6th March 1866.

21. The following Rules must be strictly attended to in the making up of Proceedings:—

When several prisoners are tried together, the Proceedings are to be made up in the same manner as though one

only were tried; but when several are tried separately and in succession by the same Court, the Proceedings must be made separate and distinct, as though the particular prisoner were the only person tried.

The proceedings are to be written on English paper, Foolscap size; thin French paper is *not* to be used.

Proceedings must be *legibly* written, and without erasures or interlineations, if possible.

The margin is to be on the inner side of the page, and of the breadth of a quarter of the page. Nothing is to be written in the margin but the entries printed in *Italics* in the margin of the form.

The pages must be numbered.

The sheets must be fastened together with strong thread or twisted silk, tied in a *loose* loop. Thick tape or cord is not to be used.

Proceedings are to be docketed in the following form:

TRIAL OF GUNNER M. N.,
— Battery ——— Brigade, Royal Horse Artillery.
By ——— Court Martial.
At ———.
On the — of ——— 18 —, *

A blank space of not less than two inches is to be left above the docket.

When any unusual delay takes place in bringing a prisoner to trial, the Court must require from the prosecutor a certificate of the cause, and annex it to the proceedings.

When a Charge ordinarily cognizable by General or District Court Martial is submitted to a Regimental Court Martial, by permission under the 140th Article of War, that permission must be recorded either by a certificate annexed to the proceedings or by the entry at the foot of the Charge itself of such permission, "by order" of the superior Officer granting the permission.

When a District Court Martial abstains from sentencing a prisoner who has been convicted of desertion to be marked with the letter D, a letter reporting their reason for so abstaining is to be annexed to the proceedings.

When a District Court Martial abstains from sentencing a prisoner who has been convicted of "*Disgraceful Conduct*" to forfeit any honorary distinction he may possess, or the forfeiture of advantage as to additional pay or good-conduct pay he may be in the receipt of, or to for-

NOTES AND INSTRUCTIONS

forfeiture of pension on discharge, a letter reporting their reason for so abstaining is to be annexed to the proceedings.

Proceedings of District Courts Martial are required in *duplicate*

The various certificates (*except of previous convictions*) may, when convenient, be written, one after another, on the same piece of paper. Extracts of previous convictions may be written continuously, with one authenticating signature at the end, but separate from the certificates of delay, &c.

MEMORANDA

OF ILLEGALITIES AND IRREGULARITIES IN REGARD TO PROCEEDINGS, &c., OF MINOR COURTS MARTIAL, WHICH OCCASIONALLY OCCUR; AND TO GUARD AGAINST WHICH, ATTENTION SHOULD BE PAID.

1st. A District Court Martial is illegal, if held by an Officer who has no authority vested in him by direct Warrant from the Commander-in-Chief to hold such Court.

2nd. A charge cognizable only by General or District Court Martial, cannot be submitted to a Regimental Court Martial, without permission of a superior Officer. The offences that are generally so irregularly submitted, are breach of arrest, or escaping from confinement; quitting guard without leave; quitting post as Sentry.

3rd. The Court must be properly formed. A District Court Martial on the trial of an European Soldier of Her Majesty's British Army, cannot be composed of less than five Officers. The President must be appointed in the manner prescribed by the 114th Article of War.

4th. The names of the Officers appointed to serve on European Courts must be read to the prisoner; the prisoner must be offered the option of challenging the President, as well as the Members; and on a challenge being allowed, and the President or Member withdrawn, the new President or Member appointed in his place cannot be allowed to take his seat until the offer of challenge in respect to him has been given.

5th. The Court must be duly sworn, under the Articles of War for the service to which the offender belongs.

6th. A Soldier must not be released from confinement and allowed to return to duty (which acts as a condonation of his offence, and as a bar to subsequent proceedings against him) and afterwards be re-committed to confinement, and eventually brought to trial.

7th. A Court must not convict a prisoner on insufficient or repugnant evidence: for example of *theft*, or of receiving *stolen* goods, if the property is only deposed to as having been "lost" or "*missed*," without any proof that it had been stolen, *i. e.*, taken away from the owner, or appropriated without authority; or of malingering, in pretending inability to straighten a limb, if, in fact, the limb was straight, and the pretence was that it could not be bent; or breaking out of barracks, if the Soldier has quietly walked out; or of disobeying an order, if the Soldier has only said that he would not obey, and it is not positively shown that he did not obey.

8th. A charge must not be so imperfectly framed, that actually no criminal offence is alleged in it; or so vague in its terms as to make it doubtful what offence it is intended to impute the commission of.

9th. A witness cannot be examined without having been sworn or having made affirmation.

10th. Additional evidence *in support or refutation of a charge* cannot be taken when the Court has been re-assembled for revision. With regard to previous convictions and general character, see Note 20 of the Instructions.

11th. A punishment unauthorized for the offence alleged cannot be awarded, for example, fine for simple drunkenness, or for drunkenness for parade; nor forfeiture of pay during the period of absence without leave, which forfeiture is a consequence of the conviction.

12th. The punishment must not exceed the limits prescribed by the Articles of War; for instance, fines for drunkenness on duty cannot be legally awarded to any extent beyond one pound; solitary confinement exceeding seven days in a month, when the imprisonment is for a long period, cannot be legally awarded; and the proper limits between the periods of solitary confinement must be maintained.

13th. Stoppages cannot be awarded for damage or destruction done, but not alleged in the charge; nor for damage done, when the amount of damage has not been established in evidence.

14th. A Regimental Court Martial cannot legally award corporal punishment and imprisonment in conjunction; and, if awarded, both punishments must not be confirmed and inflicted.

15th. The infliction of a sentence must not be improperly postponed; a Soldier sentenced to ordinary imprisonment must not be confined in a solitary cell.

16th. Without unavoidable necessity, a Soldier must not be kept in confinement for a long period before being

brought to trial; in some cases this occurs through applications for permission to exercise authority distinctly given by the Mutiny Act or Articles of War.

17th. Without necessity a Court must not be assembled before six o'clock in the morning, or sit after four o'clock in the afternoon.

18th. The forms laid down by the highest Military Authorities in England and in India, for obtaining uniformity of practice and system throughout the Army, in regard to charges for particular offences, and to sentences of imprisonment, must not be disregarded and treated with neglect.

Some of these irregularities, when they occur, are attributable to want of attention on the part of the convening and confirming Officer; some to the Officers composing the Court Martial; some to the Prosecutor; some to all Officers concerned in the trial.

It is the peculiar province of the President of an European Minor Court Martial to adjourn the Court, and report to the convening Officer, if there is anything manifestly wrong observable either in the charge, or in the constitution of the Court. He is responsible also that an illegal sentence is not passed without his endeavoring to prevent it. It is equally the duty of the confirming Officer to see that the verdict is sustained by the evidence, and that the punishment is legal; he should not approve and inflict or in any way give his sanction to a conviction or sentence which may have to be set aside as improper or illegal.

CIRCULARS WHICH ARE ORDERED TO BE LAID BEFORE ALL COURTS MARTIAL.

INSTRUCTIONS.

For Sentences of Imprisonment on European Soldiers, and the execution thereof.

1. Imprisonment is either Ordinary or in Solitary Confinement, or with Hard Labor, or Mixed. Under no circumstance, for any military offence, is it to exceed seven hundred and thirty (730) days by the award of a General Court Martial.

2. Such punishment, when awarded by a District Court Martial, should be limited to one hundred and sixty-eight (168) days in ordinary cases; to three hundred and sixty-five (365) days in graver cases; to seven hundred and thirty (730) days in very grave cases.

3. For minor offences, such as "absence without leave," the imprisonment of whatever description is not to exceed fifty-six (56) or the most eighty-four (84) days' duration.

4. Imprisonment, whatever may be its description, is to be awarded by Courts Martial by the day.

5. It is advisable that solitary confinement be awarded in periods of seven or fourteen days.

6. In passing sentences of mixed imprisonment, Courts Martial should leave it to the discretion of the Governor of the Prison to appoint the precise period or periods of the imprisonment during which the offender shall undergo solitary confinement.

(See Queen's Regulations, para. 757, and Appendix No. 4, sentences; and page 84 of this Work).

7. Solitary confinement is not to be awarded, or, if awarded, is not to be inflicted, during the hot months of April, May, or June; nor, in any other month, if the heat is unusually intense.

8. At places where the infliction of solitary confinement is impracticable, the convening Officer will instruct the Court Martial, and the Court will govern itself accordingly.

9. No Soldier who is undergoing solitary confinement is to be set to hard labor.

10. No Soldier who has been put on bread and water diet is to be set to hard labor.

11. Soldiers under sentence of ordinary imprisonment, or of imprisonment with hard labour, and not sentenced to solitary confinement, are to have liberty of communication with others, except when at work. They may be confined separately for less than twenty-four hours, consecutively; but not for more than twenty-four hours. It is allowable, however, to lock them up separately for the night, if they have not been separately confined during the whole day.

12. If a Court Martial exceeds the legal limit in regard to solitary confinement, and the sentence cannot be corrected by revision, the whole of the solitary confinement must be annulled.

13. A confirming Officer may remit the whole or any part of a sentence of imprisonment, or the whole or any part of the periods of solitary confinement, or hard labor; but he cannot change the position of any solitary portion from one to another period of the imprisonment.

14. When the respective limits for imprisonment herein prescribed may be exceeded by Courts Martial, or any of the Instructions may be departed from, Confirming Officers

should either return the sentence for revision, or, in their disposal of the case, restrict the infliction of the imprisonment to the specified limits.

15. Whenever a Soldier is sentenced to imprisonment exceeding one month, a report is to be made to the Adjutant General monthly, in the form now in use, of the conduct and health of the prisoner, in order that the Commander-in-Chief may be in a position to decide whether a remission of any portion of the sentence is advisable.

16. The annexed Form of Sentences of Imprisonment are laid down for adoption.

COURTS MARTIAL SENTENCES.

Imprisonment—Penal Servitude.

A. G.'s Cir. No. 29
E., 17th February
1865. " The Commander-in-Chief is pleased to promulgate the subjoined Circular Memorandum of the Horse Guards, dated 16th October 1864, for the guidance of General and District Courts Martial.

2. The Commander-in-Chief also notifies that Her Majesty has been pleased to modify the Regulations which hitherto restricted, in certain cases, sentences of imprisonment awarded by District Courts Martial, and to empower, for the future, District Courts Martial to award, in very grave cases, any term of imprisonment not exceeding two years, with hard labor, and solitary confinement, in the proportions already laid down.

FRAMING OF SENTENCES.

Stoppage of Pay. Horse Guards, 9th May 1861.

A. G.'s Cir. II,
12th July 1861.

Courts Martial having, in several instances, adhered to obsolete and irregular forms of framing sentences of stoppage of pay, attention is hereby directed to the provisions of the Mutiny Act and Articles of War, by which it will be seen—

First.—That an offender, who is convicted of the loss or destruction of his Arms, Accoutrements, or Regimental Necessaries, should be "placed under stoppages till the cost of replacing the same be made good, according to the provisions of the 17th clause of the Mutiny Act."

Second.—That the amount of any loss, destruction, damage, injury or expense occasioned by the offender's misconduct, must be stated in the Charge, and ascertained by evidence, and stoppage be awarded for such an

amount only as shall be proved to the satisfaction of the Court, the sentence of the Court in every case of the kind concluding "according to the provisions, &c."

The present occasion is taken to call the attention of Courts Martial, and more particularly of General and other superior Officers in command on foreign stations, to the instruction contained in paragraph 23, page 225 of "The Queen's Orders and Regulations for the Army," and to the Circular Memorandum of the 13th August 1845, wherein it is recommended that sentences of imprisonment should be limited, in ordinary cases, to six months, it being intended that the rule established by that Circular shall henceforth apply to *foreign* as well as home Stations.

LOSS—DAMAGE.

Stoppages.

MEMO.—The Commander-in-Chief calls the attention of Officers sitting upon Courts Martial to the provisions of the 129th Article of War, which imperatively requires that the amount of any loss, destruction, damage, or expense alleged in a charge, except in the case of arms, equipment, necessaries, &c., shall be ascertained by evidence and stoppages awarded only in accordance with the amount proved. A. G.'s Circular, No. 150 D, 17th Novr. 1864.

For the future, in awarding stoppages of pay, Courts Martial shall sentence the offender to be put under stoppages of pay until he shall have made good the following Articles (specifying them, and adding the pecuniary value where necessary), without further reference to the Mutiny Act and Articles of War. G. O., No. 11, 14th Jan. 1868.

2. Owing to neglect of the clear provisions of this Article, many sentences of stoppages have had to be annulled.

GRATUITIES.

Forfeiture.

His Royal Highness the General Commander-in-Chief desires that the following Regulations be observed by Courts Martial, in the place of those promulgated in the Circular memorandum of the 12th July 1858, Horse Gd.'s Cir., Genl. No. 121—49A., 11th Sept. 1858. Genl No. 170 A—38 Gratuities. 5 which is hereby cancelled.

On all occasions when a Court Martial shall abstain from sentencing an offender convicted of Disgraceful Conduct, under the 81st Article of War, to forfeiture of all advantage of additional pay, good-conduct pay, or pension on discharge, which might have otherwise accrued from the length of his former service, or to forfeiture of his medals

granted for service in the field, or of the medal and annuity for meritorious service, or the medal and gratuity for long service and good conduct,—their reasons for so abstaining may be recorded, in a separate letter, which is to be signed by the President, and attached to the proceedings of the Court.

The Court will previously satisfy itself by the receipt of evidence whether the prisoner be in possession of any of the above rewards, such evidence to be recorded immediately after the evidence to character.

CIRCULARS AND ORDERS.

WITNESSES.

*Previous Statements. **

1. Instances have lately occurred of Courts Martial refusing to allow witnesses to be questioned as to previous statements made by them regarding the facts under investigation.

A. G.'s Circular,
No 116 G., 13th
Octr. 1863.

2. Such refusal is opposed to the Law of Evidence, and calculated to prejudice the administration of justice.

3. Act II of 1855, for the improvement of the Law of Evidence, contains the following provisions:—

"Section 30.—The party at whose instance a witness is examined may, with the permission of such Court or person, cross-examine such witness, to test his veracity, in the same manner as if he had not been called at his instance, and may be allowed to show that the witness has varied from a previous statement made by him.

* "Section 31.—In order to corroborate the testimony of a witness, any former statement made by such witness, relating to the same fact, at or about the time when the fact took place, or before any authority legally competent to investigate the fact, shall be admissible; and for that purpose, a copy of any deposition or statement taken before any Court, Judge, Justice of the Peace, Magistrate, or person lawfully exercising the powers of a Magistrate, or before a Commissioner or Superintendent for the Suppression of Thuggee or Dacoity in the discharge of his duty, shall (if certified by such Court, Judge, or other Officer above-mentioned, under his hand or the Official Seal of the Court, or under the hand or Official Seal of such Judge, to be a true copy of such deposition or statement), without further proof be received as *prima facie* evidence that such deposition or statement was made, and that it was made at the time and place, and under the circumstances, if any, which shall be stated in the certificate or on the face of the deposition or statement.

* "Section 34.—A witness may be cross-examined as to previous statements made by him in writing, or reduced into writing relative to the subject-matter of the cause, without such writing being shown to him; but if it

* This ruling has an important bearing upon the use of Proceedings of Courts of Inquiry.

is intended to contradict such witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him. Provided always, that it shall be competent for the Judge, at any time during the trial, to require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he shall think fit."

4. The Commander-in-Chief directs that a copy of this Circular shall be laid on the table at every Court Martial, and that strict attention shall be paid to its instructions.

NECESSARIES.

Deficiency.

A. G.'s Cir., No. 82 D, 23rd May 1866. When a Soldier is to be tried for deficiency of his necessities, under the 102nd Article of War, two (2) charges are to be exhibited. One for having "made away with" the articles; the other for having "lost them through neglect." He will be convicted of one, and acquitted of the other, according to the evidence.

EVIDENCE.

Irregularities in Recording.

A. G.'s Cir., No. 26 G., 27th April 1863. The irregularity of recording evidence in the third instead of the first person, expressly enjoined to be guarded against, as it is of importance to know in every case, and "in his own words," what a witness has to say.

DESERTION.

G. O., No. 37, May 1867. Courts Martial should, in cases of desertion, endeavor to ascertain by evidence, as heretofore, whether the prisoner surrendered or was apprehended.

PREVIOUS CONVICTIONS.

Barrack-Sergeants.

A. G.'s Cir., No. 61 D., 4th July 1864. When no Commissioned Officer is available, Warrant Officers are authorized to give evidence as to previous convictions in the case of Barrack-Sergeants.

SCHOOL MASTERS.

Confirmation of Sentence.

A. G.'s Cir., No. 17 D., 25th Feb., 1864. Sentence on a School Master can only be confirmed by the Commander-in-Chief, *vide* paragraph 3, G. O. C. O., 22nd August 1863.

When a School Master is placed in arrest, trial is not to be ordered pending instructions from the Commander-in-Chief, for whose information the facts of the case will be submitted.

PRISONERS.

Courts Martial.

During the time a Soldier is on bread and water diet, he is not to be subjected to hard labor.

A. G.'s Clr., No. 1107, 11th Octo-
ber 1863.

PRISONERS.

Station Cells.

General and other Officers commanding Divisions and Districts are empowered, by the 141st Article of War, to use their discretion in sending prisoners sentenced to long periods of confinement to Station instead of Barrack Cells.

A. G.'s Clr., No. 2712, 10th Feb. 1865.

APPLICATIONS FOR COURTS MARTIAL.

Warrant Officers.

All applications for District Courts Martial for the trial of Warrant Officers are to be referred to Army Head Quarters, for the orders of His Excellency the Commander-in-Chief.

A. G.'s Clr., No. 2712, 11th July 1865.

DRUNKENNESS.

Insubordination.

" . . . If a Soldier, when drunk, uses insubordinate language, it is for the convening Officer to decide whether he shall be tried for the drunkenness, or for the use of the insubordinate language. It is to be borne in mind, however, that, as a general rule, it is deemed objectionable to put a Soldier on his trial on a single charge for improper language uttered by him in a state of intoxication, when it is clearly apparent that the objectionable words were merely the idle ravings of a man temporarily bereft of reason, and incident only to the drunkenness. But when it appears that the Soldier has not entirely lost his faculties, and has also sufficient sense to recognize, and intelligence to be aware that he is addressing individuals, or his superiors, in terms of abuse or insubordination, he should be held responsible for his language, as well as for his acts.

A. G.'s Clr., No. 2712, 5th Feb. 1862.

DRUNKENNESS.

The directions contained in para. 11, page 222* of the Queen's Regulations, is to be interpreted as prohibiting the

G. O., No. 286,
27th Dec. 1866.

* Para. 717, page 260, Queen's Regulations, 1868.

trial by Court Martial of a private Soldier for drunkenness, unless that offence falls within the provisions of one of the Articles of War, relating specially to Drunkenness.

WARRANT OFFICERS, HEALTH CERTIFICATE OF.

No 29 27th Feb
1861, Courts Mar-
tial, Warrant Off-
cers, &c.

Warrant Officers and Hospital Apprentices not being liable to imprisonment or corporal punishment by sentence of Courts Martial, are not to be medically examined with a view to their capacity for enduring such punishments, previous to their trial.

DETACHMENT COURTS MARTIAL AT HILL STATIONS.

Court Martial, A
G.'s Cir., No. 83
E., 1st June 1861.

The Commander-in-Chief is pleased to notify that so long as the Head Quarters of Divisions or Districts shall be established at Hill Stations or Depôts, it is necessary that sentences of Detachment Courts Martial held at those stations shall be confirmed by the General Officers commanding, under the provisions of the 127th Article of War.

MEDAL, MAKING AWAY WITH.

A G.'s Cir., No.
60 D., 6th April
1861.

The attention of Commanding Officers is called to the provisions of the 102nd Article of War, under which a Soldier may be tried for:—1st, "spoiling;" or, 2nd, "wilfully defacing;" or, 3rd, "making away with;" or, 4th, "pawning his medal." A Soldier cannot, under the provisions of this Article, be tried for having lost his medal by neglect, yet this irregular form of charge has not been infrequent.

2. Whenever there is evidence only of the medal being deficient, the charge should be for making away with, and on proof of the deficiency, it will rest with the prisoner to account for its loss.

OFFICERS COMMANDING DETACHMENTS WHEN EMPOWERED TO CONFIRM SENTENCES.

A. G.'s Cir., No.
125 L., 21st Sept.
1861

The attention of Officers commanding Wings or Detachments of Corps or of several different Corps, is called to the concluding provision of the 131st Article of War.

No Officer commanding a Detachment, is empowered to confirm the sentence of a Detachment Court Martial held under Article 113, unless he is, at the time, the superior Officer on the spot, that is to say, the Officer commanding the whole of the Troops on the spot.

A copy of this Circular is to be furnished by Officers commanding Stations to all Officers commanding Detachments of Her Majesty's British Troops.

PROCEEDINGS IN DUPLICATION.

Proceedings of General or District or Garrison Courts (G. O. C. C., 26th Sept. 1861.)
 Martial, held on European Officers and Soldiers of the Indian Forces, are henceforth to be furnished to the Judge-Advocate General, in duplicate, as is now done in the case of trials of Officers and Soldiers of the British Army.

LOSING NECESSARIES.

In continuation of Circular No. 82 B., of the 23rd May G. O., No. 161, 1865, the Commander-in-Chief finds it necessary to point out that evidence of mere deficiency of necessaries, &c., on a certain date, must be generally held to be insufficient to establish a charge of having lost them by neglect, and still less so to support a charge of having made away with them.

2. In all cases it should be clearly proved first, that on a certain date, anterior to that in the charge, the Soldier had in his possession the articles mentioned in the charge; second, that on the date stated in the charge, those articles were deficient, and that he could not account for the deficiency.

POINTS OF LAW.

General Officers commanding Divisions and Districts are requested to act freely on their own responsibility in disposing of points of law and doubtful evidence, affecting the trial or release of prisoners charged with offences involving trial by Court Martial. General Officers are assisted, for this very purpose, by trained Deputy Judge-Advocates. (G. O., No. 90, 16th May 1866.)

His Excellency has to observe that great inconvenience has often been caused of late by the reference of small points to Head Quarters, which should have been disposed of by Divisional and District Authorities; the result frequently being a subsequent call for papers with all the concomitant delay of references to distant Authorities; hence extraordinary postponement of trials, as of the release of prisoners. In the latter case, a severe penalty is unjustly inflicted on an innocent man; and in the former, an injury is done to the discipline of a Regiment by the long delay of justice.

PROCEDURE.

1. The Deputy Judge-Advocate, at a General Court Martial, should maintain an entirely impartial position, and act as assessor to the Court. (G. O., No. 169, 16th Aug. 1866.)

2. He should give his advice on all matters of law, evidence, or procedure; and whether consulted or not, interfere to insure the due formality and legality of the proceedings.

It is also his duty to put questions to the witnesses, whether for the prosecution or for the defence, on such points as appear to him to be imperfectly elucidated.

3. At the conclusion of the case he should sum up the evidence, and give his opinion upon the law, before the Court proceeds to deliberate upon its finding. The summing up must be in open Court.

4. The opinion of the Deputy Judge-Advocate General ought to be conclusive upon any point of law or procedure, which arises upon a trial at which he officially attends, whether he has or has not an opportunity of consulting the Judge-Advocate General of the Presidency, before a decision is made.

5. He should be responsible to the Judge-Advocate General of the Presidency for a proper record of the proceedings, but in important cases, he should be assisted in the discharge of his duty by a sworn short-hand writer, if one is available on the spot, or easily accessible.

6. In all cases, when a prisoner is undefended, he should take care that such prisoner should not lose any privilege that the law allows him in the conduct of the trial, and he should suggest to the prisoner, through the Court, the advisability of supporting by evidence, exculpatory or extenuatory statements.

7. The seat and table of the Deputy Judge-Advocate should be at the right hand of the President of the Court.

8. He should take no part in the conduct either of the prosecution or the defence, save to the extent recognized in paras. 2 and 6; but in other respects, should fulfil the duties now cast upon Deputy Judge-Advocates.

9. With respect to District Courts Martial, the Presidents are to be instructed to forward the proceedings under cover to the Deputy Judge-Advocate General of the Division or District, who will dispose of them under the Rules in force for his department.

G. O., No. 236,
21th Oct. 1866.

The following instructions are promulgated with reference to rules 2 and 3 of the Memorandum for General Courts Martial, published to the Army, by G. O. C. O., No. 169, dated 15th August 1866.

2. The proper stage of a trial for the examination of witnesses by the Judge-Advocate, is at the conclusion of their examination by the prosecutor and prisoner, and before examination by the Court.

Were the Judge-Advocate to put questions after the Court's examination, there might be the appearance of a reflection, on the Court's shortcomings, which is to be deprecated. At the same time when the Court's examination

produces any fresh uncertainty as to either old or new matter, it will be the Judge-Advocate's duty to see that measures are taken to remedy the defect; but in such cases the best mode of procedure will be to suggest further questions for adoption by the Court itself.

3. The Judge-Advocate's summing up, which should be as concise as is consistent with clearness, is to form part of the proceedings, and is not to be merely attached thereto in Appendix.

At this stage, the Judge-Advocate should recapitulate and state the force of the evidence for or against the several issues, and the presumptions of law arising therefrom, without, however, conveying, directly or indirectly, any opinion as to the prisoner's guilt or innocence. He should also state and explain any legal or technical points which bear upon the case, whether previously discussed or not.

The summing up should not contain any statement of the penalties awarded in case of conviction. This statement by the Judge-Advocate should be reserved until after the finding, and may or may not be recorded at the discretion of the Court. In civil cases, however, its record may often obviate subsequent correspondence.

4. These cases are, in no way, to interfere with the recognized duty of the Judge-Advocate, to explain and advise upon matters of law, evidence, or procedure, at any stage of the proceedings, as pointed out in para. 2 of the Rules in the General Order above cited.

PRISON DISCIPLINE.

Punishment by Courts Martial.

Military prisons not having yet been established in India G. O., No. 38, of 27th Feb. 1800, on a footing of law, by which the power of summary punishment is vested in visitors, the Commander-in-Chief thinks that the powers given by the Mutiny Act and Articles of War to Officers commanding Brigades and Regiments, should be more frequently exercised than is now the case.

2. It happens at present that, when a prisoner undergoing his sentence in a station prison in India, commits an act of violence, his case is referred to Army Head Quarters, with a view to a General Court Martial being ordered.

3. The Commander-in-Chief thinks that, in such cases, it would be generally better to try the prisoner at once by District Court Martial, with a view to the infliction of a summary punishment, such as that ordered by visitors, viz., corporal punishment to the extent of the power of a Court Martial.

4. As the men concerned are generally undergoing long terms of imprisonment, it would, considering the Indian climate, be usually inexpedient to prolong the term of imprisonment on account of the misconduct above alluded to.

PENAL SERVITUDE.

A G's Cir., No.
63, 8th Oct. 1867.

All Soldiers who have been or shall be hereafter sentenced to Penal Servitude by Courts Martial in the Bengal Presidency are, until further orders, to be conveyed to Calcutta for the purpose of transfer to the Civil Power.

THE WARRANT OF COMMITMENT

G O., No. 101,
10th June 1868.

To a civil prison is to be according to War Office Form No. 219, and to be signed by the Officers commanding the Regiment, Brigade of Artillery, or Detachment, to which the prisoner may belong. The date of execution of the warrant should be given below the signature.

FINES FOR DRUNKENNESS.

G O., No. 46,
Horse-guards,
20th April 1869.

1. By the 78th Article of War of 1869, power is given to Commanding Officers to deal with the crime of drunkenness in the Army by the infliction of summary fines.

2. These fines are to be awarded in accordance with the scale now published (Appendix A.) which is to be strictly and rigidly adhered to.

3. It will be seen that the fines are progressive in amount on the repetition of acts of drunkenness, but on the other hand are subject to reduction in proportion to the length of time elapsing between the offences, thereby holding out strong inducement to the Soldiers to abstain.

4. The fines are to be enforced by an actual daily stoppage, and not by a mere debit in the monthly amount.

5. When the fine amounts to ten shillings, or a second fine has been incurred before a former one is paid, the daily stoppage will be 4d., but it is never to be less than 3d.

6. The fines for a second offence, while the Soldier is already undergoing stoppage for a former act of drunkenness, will commence when the first is paid.

7. The Soldier in every case of fine has the right of appeal to a Court Martial.

8. Confinement to Barracks at the discretion of the Commanding Officer, subject to the regulated limitation, may be combined with fines for drunkenness, should the aggravated nature of the case seem to demand such a course.

9. It shall be considered a rule that in all cases after the commission of an act of drunkenness, a Soldier shall, where practicable, be kept in Barracks or Camp for 24 hours without punishment drill.

10. Imprisonment in the Garrison Cells shall not, in any case, be combined with fine for simple acts of drunkenness, though it may be added for serious offences in connection with drunkenness.

11. All awards of fine are to be entered in the Regimental Defaulters' Book, and published in regimental orders.

12. Absence from tattoo to reveille the following morning is to be considered as equivalent to an act of drunkenness in calculating the amount of fine imposed by the scale.

13. The scale of fines is to be placed in a conspicuous position in every Barrack-room.

14. The amount accruing from the fines will be formed into a general fund, to be applied under the direction of the Secretary of State for War to objects tending to the benefit of the Soldiers of the Army generally.

15. The number of men who have been fined for drunkenness during the month, the number of fines, and the total amount of fines are to be shown at the foot of the Return of Courts Martial.

16. All defaulters are to be permitted to enter the canteen during certain fixed hours in the day, say from 6 to 8 P.M.*

SCALE OF FINES FOR DRUNKENNESS.

First and Second acts. Admonition or confinement to Barracks at the discretion of the Commanding Officer.

For every subsequent act of Drunkenness.

If within 3 months of former act.	If over 3, and within 6 months.	If over 6, and within 9 months.	If over 9, and within 12 months.	If over 12 months.	When the 4 preceding acts have been committed in 12 months.
7s. 6d.	5s.	2s. 6d.	Company entry.	To be treated as that act.	2s. 6d. to be added to the foregoing amounts.

* Para. 16 of G. O., G. C., 2nd July 1869, page 276, is not to be acted on. - G. O., No. 250 of 1869.

REGULATIONS.

1. In every case a Soldier who has been drunk shall be kept in Barracks for 24 hours subsequent to the offence without punishment drill.

2. Confinement to Barracks may be added to fine at the discretion of the Commanding Officer.

3. Absence from tattoo to reveille the following morning is to be considered equivalent to an act of drunkenness in calculating the amount of fines imposed by the above scale.

4. Forfeited service by imprisonment or absence is not to count in any calculation for exemption from fine.

5. When a fine is awarded, the Soldier has the right of appeal to a Court Martial.

AUTHORITY TO HOLD COURTS MARTIAL.

G. O., No. 136 of
20th May 1860.

It having been brought to the notice of the Commander-in-Chief that several Detachment Courts Martial have been irregularly convened, and the sentences, notwithstanding the instructions of the Adjutant-General's Circular,* No. 125 of 21st September 1864, been regularly confirmed, His Excellency is pleased to lay down the following Rules, and to enjoin a careful observance of them:—

1st.—Regimental Courts Martial can only be held by the Officer Commanding the Regiment or Battalion at the place where he is actually in command, and for the trial of soldiers under his immediate command.

2nd.—A Commanding Officer of a Regiment or Battalion cannot hold a Court Martial, Regimental or Detachment, for the trial of a soldier serving in a Wing or portion of the Regiment or Battalion not present at the Head Quarters station of the Regiment or Battalion.

3rd.—A Detachment Court Martial, to be held in a Wing or portion of a Regiment detached from Regimental Head Quarters, can be held by the Officer in command of such Wing or Detachment, provided that he is at the time the "superior Officer on the spot" and in command of all the Troops on the spot, that is of all the Troops at the station or place where the Court Martial is to be held.

4th.—If the Commanding Officer of a Wing or portion of the Regiment or Battalion detached from Regimental Head Quarters is not in command of all the Troops on the spot, he must apply to the Officer Commanding the station for a Detachment Court Martial, it having been ruled by the highest authority that the Officer who convenes, as well

as the Officer who confirms the sentence of a Detachment Court Martial (under Articles 113 and 129), should be the superior Officer on the spot.

5th.—When the Head Quarters of a Division or District are at a hill station or depôt, "the superior Officer on the spot," who can convene Detachment Courts Martial and confirm the sentence, is accordingly the General or other Officer Commanding the Division or District.

(EUROPEAN) DISCIPLINE.

The attention of General and Commanding Officers is called to the 167th Article of War, which empowers Courts of Inquiry, assembled to record the absence without leave of soldiers, to take evidence upon oath respecting the deficiency of any articles of the absentee's kit, as well as to the fact of the man's absence. G. O., No. 60, of 28th August 1869.

The declaration of such Court is to be entered in the Regimental Court Martial Book, and that record or a copy thereof, purporting to bear the signature of the Officer having the custody of the Regimental Books, shall be admissible in evidence of the facts on the trial of the soldier.

But it is to be clearly understood that the proceedings of the Court of Inquiry are not to be produced in evidence, or attached to the proceedings of Courts Martial.

With reference to the concluding paragraph of the 78th Article of War, Courts Martial, in recording former instances of drunkenness, will enter in their proceedings the number of such instances as proved by reference to the Regimental Defaulters' Books. The evidence on this head is to be given by the Officer whose duty it is to prove former convictions, and in the following terms:—

"On reference to the Regimental Defaulters' Books now laid before the Court, it appears that the prisoner's name has been recorded therein for the crime of drunkenness times since his enlistment."

With reference to para. 747 of the Queen's Regulations and Orders for the Army, the attention of General and Commanding Officers is particularly called to the 78th Article of War, which prohibits the trial of private soldiers by Regimental Courts Martial for drunkenness not on duty. If, therefore, a soldier commits that offence, in combination with some other crime for which it is intended to bring him to trial before a Regimental Court Martial, the act of drunkenness is not to be added to the charge on which he is to be arraigned; but as it is necessary that the drunkenness should be recorded, in order to compute the fines which G. O., No. 62, of 28th August 1869.

may have to be subsequently levied, Commanding Officers should award punishment for that offence before the prisoner is brought to trial on the other charge.

Re-Assembly.

House Guards' G.
O., No. 106, of 1st
October 1869.

When Courts Martial are re-assembled for the purpose of revising their finding, and when any alteration therein is made, it is absolutely necessary that the sentence in such revised finding shall be given afresh, and it is not sufficient for the Court to state that they adhere to their former sentence in such cases.

Returns.

G. O., No. 92, of
10th April 1869.

With reference to the orders marginally noted,* it is directed that Monthly Returns of Court Martial from Regiments of Native Cavalry and Infantry be sent to the Deputy Judge-Advocate of the Division or District in which the Regiment may be on the 1st of each month, instead of direct to the Judge-Advocate General at Head Quarters.

The Deputy Judge-Advocate of the Division or District, as soon as all the Returns, Proceedings, or Reports have been received, will transmit them to the Judge-Advocate General at Head Quarters.

PART II.

*MILITARY REGULATIONS.

ADDRESSES.

Q. Are addresses from officers or soldiers to superior authorities, civil or military, permissible?

A. They are prohibited.

Q. Are meetings of officers or soldiers for political or party purposes, or for the discussion of military matters, complaints, or grievances, allowable?

A. They are strictly prohibited.

Q. If officers wish to have a meeting for the consideration of any public subject, what course should they adopt?

A. They should obtain the permission of the officer commanding the station, who will be held responsible for the objects and conduct of such meeting.

AMMUNITION.

Q. What balled cartridges should be first issued for annual practice?

A. That which has been longest in store.

Q. How is this ascertained?

A. The two last figures of the year in which each supply has been received from magazines, are marked on paper and pasted inside the lid of each box.

Q. What is done in the case of service ammunition of more than three years' manufacture?

A. It is to be inspected by the Annual Committee of Survey, and such as may be found unserviceable is to be broken up, and the powder used for making up blank cartridge.

Q. If the condemned service ammunition is more than sufficient to supply blank cartridge, what is done with the surplus?

A. It is to be retained in store without being broken up.

Q. When ammunition belonging to a corps is made over to a relieving corps, what amount per man should be retained?

A. Forty rounds per man.

Q. What quantity of ammunition should each Non-Commissioned Officer and soldier have constantly in pouch?

A. Twenty rounds of service ammunition per man in cantonment, and forty rounds per man when marching in course of relief.*

[G. O., C. C., 7th December 1867.

Q. Previous to the issue of blank ammunition to the men, what precaution is necessary?

A. That the service ammunition is removed from the pouches.

Q. How often should a Commanding Officer inspect ammunition in store?

A. At least once a month.

Q. How are percussion caps carried, when required for immediate use?

A. In the cap pocket.

Q. How is the reserve supply carried?

A. In the magazine of the pouch, wrapped in cloth.

Q. What proportion of ammunition is allowed to Native Regiments?

A. Balled ammunition ... 200 rounds per man.
Caps, percussion ... { $\frac{1}{2}$ spare in excess of the number of rounds.
For practice and exercising annually.

Balled ammunition ... 80 rounds per man.

Blank ammunition ... 100 rounds per man.

Caps, percussion ... { $\frac{1}{16}$ spare in excess of the number of rounds.

[G. O., No. 287, 7th December 1867.

ARMS, ACCOUTREMENTS, AND NECESSARIES.

Q. What opportunity should be taken for re-browning the arms of the Native Army?

A. During the annual leave of absence.

Q. Where are the arms to be sent for the purpose?

A. To the nearest magazine; or at stations adjacent to magazines, under the orders of the Inspector-General of Ordnance.†

Q. What men in a Native Infantry Regiment should specially be instructed in taking out and replacing nipples?

A. All men, especially the Non-Commissioned Officers; but the men are not to be allowed to unscrew them without permission.

* Now applicable only to Guards, Escorts, and Regiments marching in course of relief.—G. O., No. 83 of 11th October 1869

† Receipt for browning Rifle Barrels for adoption by the Army.

Nitric Acid	..	..	..	..	..	2½ ounces
Spirits of Nitre	..	..	..	..	..	6 "
Tincture of Steel	..	..	..	..	..	7 "
Spirits of Wine	..	..	..	..	..	4 "
Blue Stone	..	..	..	..	..	1 "
Distill Water	..	..	..	..	..	21 "

[G. O., No. 120, 30th June 1866.

Q. Are the bandmen in a Native Regiment instructed in the use of arms ?

A. Yes.

Q. What is the standard width of pouch belts ?

A. Three inches.

Q. How are all arms and accoutrements to be marked ?

51 G. 44	A. With the date of receipt, the letter of the company, and the man's number, thus denoting that the arms were issued to No. 51 of G. company in the year 1844.
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Q. How is the expense of marking defrayed ?

A. From the contingent allowance granted to Wing Officers.

Q. To what part of fire-arms must the marks be confined ?

A. To the wood work of the stock, and on no account to the mountings or the metal.

Q. Who is responsible that the arms and accoutrements and equipment of a Native Infantry Corps are kept in an efficient state ?

A. Wing Officers are responsible to the Commanding Officers that a sufficient establishment of artificers are kept up for the purpose.

Q. Where are the arms and accoutrements of Native Corps to be kept ?

A. In the bolls of arms. They are never to be retained in the men's huts.

Q. May alterations be made in arms, accoutrements, or equipments ?

A. It is strictly prohibited, without the sanction of Government.

Q. Have soldiers of the Native Army, on any occasion, the privilege of bearing private arms ?

A. Yes, while proceeding on furlough trans-Indus, but such arms must be entered, in English and in the Vernacular, in the leave certificate signed by the Commanding Officer.

Q. When soldiers wilfully or carelessly lose or spoil their arms, accoutrements, or equipments, how are they replaced ?

A. By stoppages from the pay, in such monthly proportions, not exceeding half the amount thereof, as the Commanding Officer may direct.

Q. When arms, accoutrements, or equipments are injured and require to be replaced, what is necessary ?

A. The circumstances under which the injury or accident occurred are to be stated in a survey report, which is to accompany the indent for new ones, and such indent must be vouched by the proceedings of a Court of Inquiry.

Q. In cases when military stores or equipments in use with Regiments require renewal before they have lasted the prescribed period, what is necessary ?

A. A full report of the circumstances is to be made by the Commanding Officer to the General Officer commanding the Division, who will, if he thinks necessary, convene a Committee of experienced officers to report upon the causes which have led to the early condemnation of the stores.

[G. O., No. 922, of 12th October 1861.

Q. In such case what is the duty of the Committee?

A. To record whether the reasons given are, in their opinion, sufficient to justify the renewal, at the public expense, of the stores in question, and the officer convening the Committee will state whether or not he concurs in its opinion.

Q. In the event of the Committee considering that the articles should be paid for, what should be recorded?

A. The name of the party or parties who are to be held responsible.

Q. When Regimental equipments are condemned, what is done with them?

A. They will invariably be sent into the nearest magazine, where they will be subjected to further examination and report by the Ordnance Officer. Condemned Buff Belts may be retained for repair of accoutrements, and conversion into Groat Coat Straps.

[A. G.'s O., No. 55, 22nd March 1865.

Q. What are the prescribed periods for which the ordinary Infantry equipments are required to last?

A. Buff Accoutrements	...	...	...	7 years.
Brown leather ditto	...	...	...	4 "
Bayonet Scabbards	...	...	...	6 "
Tents	...	...	...	5 "
Bugles	...	...	...	5 "
Slings for ditto	...	...	...	3 "
Paulins	...	...	...	3 "
Musketry of every description	...	...	...	15 "

Q. When medals are lost in any accidental manner or stolen, involving no culpability on the part of the individuals concerned, how are they replaced?

A. By the issue of fresh ones at the expense of the applicant, the penalty of a fine being added to the cost of the decoration in such cases as Government shall deem it necessary.

[G. O., C. O., 1st October 1858.

Q. What classes attached to Native Corps are allowed articles of bedding?

A. Quilts are allowed to Drum, Fife, and Bugle-Majors, annually.

[G. O., C. O., 30th November 1859.

Q. What articles of bedding are furnished to men of Native Corps on embarking for foreign service?

A. Hammocks; to be accounted for by Quarter-Masters.

CAMP EQUIPAGE.

Q. What Camp Equipage is allowed to Native Infantry Regiments?

A. 2 Tents of 2 Pauls each, per Company	=	32
2 ditto of 2 ditto, for Hospital	=	4
1 ditto of 2 ditto, for Quarter-guard	=	2
1 ditto of 2 ditto, for Rear-guard	=	2

Total, Pauls ... 40

Q. Whenever it is necessary to have a light in a public tent pitched for the accommodation of Native Troops, what precaution should be taken?

A. The light must be secured in a lantern, and formally delivered over to the senior Non-Commissioned Officer in charge.

Q. How are such lanterns obtained?

A. On indent from the Commissariat Department.

Q. When Regiments move by rail or bullock train, should they leave their Regimental Camp Equipage behind?

A. No, it is strictly prohibited. [G. O. C. C., 29th June 1866.

CARRIAGE.*

Q. Who should supply all carriage needed by troops on the march?

A. The Commissariat Department, aided by the Civil Authorities, with such assistance as may be needed. [G. O., No. 224, 13th Oct. 1866.

Q. If possible, what notice should be given?

A. Not less than fifteen days' notice should be given to the District Officer of the quantity and description of carriage required.

Q. Should the whole of the carriage required be entered in one Indent?

A. No, that portion required for the men's baggage, for the conveyance of which Government is responsible, must be in a distinct Indent from that required for the rest of the men's baggage, and from that of the Officers.

Q. What must each Indent distinctly state?

A. Whether the charge for the carriage will be paid by the State, or by the troops themselves.

Q. To what extent are District Officers authorized to provide carriage?

A. Under no circumstances in excess of that entered in G. O., No. 964 of 1864.

* For Rules regarding the supply of carriage to troops in the Punjab, see General Orders, 2nd January 1869, G. O., No. 3.

Table showing Weight of Baggage, for which Carriage will be furnished on Indent.

			Service, exclusive of Camp Equi- page.	Ordinary Relief, exclusive of Camp Equipage.
Colonel		...	40	134
Lieut.-Colonel	Married	...	25	104
Majors and those of equal rank	Unmarried	...		70
Captain	Married	...	10	86
Surgeon and those of equal rank	Unmarried	...		48
Subalterns	Married	...	5	66
Asst. Surgeon and those of equal rank	Unmarried	...		38
Native Commissioned Officers		...	1½	5
Havildars and Native Doctors		...	½	1
Christian Drummers and Buglers		...	"	½
Naiaks, Drummers, Sepoys		...	½	½
Band property		...	...	36
Mess ditto		...	...	168

Q. Who is responsible that this scale is not exceeded ?

A. The Commanding Officer of the Regiment or Detachment.

Q. What other document should be furnished to the District Officer with the Indent ?

A. A copy of the Route.

Q. With what object is the copy of Route furnished to the District Officer ?

A. To enable him to arrange with the neighbouring District Officer for the relief of the carriage at suitable distances where carriage is obtainable.

Q. May carriage be taken beyond the first District entered, after leaving that in which it was hired ?

A. Not without the written consent of the owners or upon a certificate from the District Officer that he was unable to furnish a relief.

Q. May carriage be exchanged, except at the regular Stations ?

A. Only in cases of emergency, such as the breaking down of carriage, death of cattle, &c.

Q. Who should be employed to engage carriage ?

A. Chowdries or Brokers.

Q. How should they be paid ?

A. If required continuously, by a regular salary, otherwise, and ordinarily, by a commission.

Q. What commission is allowable, and by whom is it paid ?

A. One anna in the rupee ; not claimable from the hire.

Q. What rate of hire shall be charged in all Divisions of the North-Western Provinces, except that of Kumaon ?

A. A uniform rate of (7) seven annas a day for each bullock, from the date on which the carriage is taken up to the date of discharge.*

Q. Will there be any other charge for return hire or for halts ?

A. None whatever.

Q. How is the hire paid ?

A. The Commanding Officer will be responsible that half the hire is paid in advance, and the other half when the carriage is relieved.

Q. Who is responsible that the carriage is not over-laden, the animals are not over-driven, and that the parties in charge are properly treated ?

A. The Commanding Officer of the troops.

Q. If the Commanding Officer has reason to be dissatisfied with the way in which the engagement has been executed, what course should he adopt ?

A. He should complain at once, on arrival at a station, to the Collector, who will have the case immediately inquired into in presence of both parties.

Q. Should the District Officer advance half hire when engaging carriage ?

A. When necessary ; subject to adjustment by the Commanding Officer.

Q. How is carriage protected from seizure on the way home, for the use of troops ?

A. By a perwannah in English, Oordoo, and Hindoe, signed and sealed by the District Officer.

Q. With what document must the District Officer furnish the Commanding Officer ?

A. With duplicate lists, showing in detail the exact amount of carriage supplied, the names of the carters or camel drivers, and the weight of the load which may be put upon each cart or camel.

Q. What should the Commanding Officer do with these lists ?

A. Return them to the District Officer after entering the date of discharge.

[G. Q., No. 29, 21st February 1867.]

* This does not apply to Bengal (see para. IX. of Revised Rules, G. O., No. 221, 13th October 1866) which has its own rates.

DESERTERS.

Q. When a sepoy deserts from the Native Army, what steps should be taken by the Officers commanding the Corps, Detachment, or Company to which he belongs, for his apprehension?

A. He will immediately forward a minute Descriptive Roll of the man, with all further information in his power, to the nearest Magistrate or Political Officer.

Q. To whom also should he forward a similar Descriptive Roll?

A. To the Magistrate or Political Officer of the District to which the deserter belongs.

DETACHMENTS, ESCORTS, GUARDS, &c.

Q. When Detachments are sent from station on escort or other duty, what should be specified in the order directing them to be furnished?

A. The nature of the service on which they are to be employed, and the place to which they are to proceed.

Q. How should Detachments of the strength of one or more Companies be composed?

A. Not of drafts from the several Companies of a Regiment, but of a whole Company, and any excess of that, is to be furnished from the Company next for duty.

Q. Whenever any Detachment of a Company is sent on duty with a prospect of service, who should command it?

A. An European Officer of standing and experience.

Q. Should the Detachment exceed the strength of a Company, of what standing should the Officer be?

A. Of not less than eight years' service.

Q. Is a Major eligible for the command of any Detachment?

A. Not under the strength of two Companies.

Q. When has the Commanding Officer of a Regiment the option of going in command of a Detachment?

A. When a Wing of a Corps is ordered on detached duty on service.

Q. What is necessary previous to Detachments being marched from the parade when they are first formed?

A. To be inspected and examined by the Adjutant, or other duly appointed European Officer, who should fully and clearly explain to the Commissioned or Non-Commissioned Officer proceeding in command, the particular duty to be performed, and the general behaviour to be observed by the men on the march.

Q. What arrangement should be made to ensure the requisite supplies being in readiness for the Detachment at each halting place?

A. An intelligent Non-Commissioned Officer or sepoy of experience should be sent on in advance, to each day's stage, for this purpose.

Q. What warning should be given to Detachments proceeding by the Grand Trunk Road?

A. That the Tehsildars have instructions, as Deputy Magistrates, to investigate all complaints preferred against travellers, and that they must, therefore, abstain from the commission of irregularities.

Q. What instructions must be given to Detachments respecting accommodation in the serais?

A. That they must pay the same as other travellers, for such accommodation.

Q. How should Detachments, after performing any duty on which they have been employed, by water, return to their stations?

A. By land, unless otherwise required by the exigencies of the service.

Q. When should Detachments proceeding on duty, as a general rule, be relieved?

* A. At the first station *en-route*.

Q. To ensure such relief, what is necessary?

A. The Commissioned or Non-Commissioned Officer in command is to be instructed to report arrival to the Staff Officer at each station, and on no account to pass on to another without doing so, unless with a certificate that his Detachment cannot be relieved.

Q. In order to lessen the frequency with which Detachments are employed on command or escort duties, and that every opportunity be taken to make use of approaching and return parties, what is necessary?

A. The Commanding Officers of stations, from whence Detachments are proceeding, will, on all occasions, communicate to the Officer commanding the next station on the route, the strength of each party, the nature of the duty on which it is employed, and the probable date of arrival at intermediate stages.

Q. When should Guards in charge of stores be relieved or allowed to return?

A. Not until after the actual delivery of consignments at their destinations.

Q. When should Detachments forming escorts, or employed on command at outposts, be relieved?

A. In all practicable cases, within three months.

Q. What is the smallest party which may be detached on duty away from its corps?

A. No party, under the strength of a Non-Commissioned Officer, and four or at least three sepoys.

Q. With what document should all parties proceeding on detached duty be furnished?

A. With a command certificate.*

Q. By whom should such certificate be furnished?

A. By the Staff Officer of the station from which the Detachment is sent.

Q. When a Detachment returns from the duty on which it has been employed, what becomes of the Command Certificate?

A. It should be delivered back to the Station Staff Officer, to be by him forwarded to the Officer commanding the Regiment to which the Detachment belongs.

Q. What Returns should be forwarded by Officers on Out-post duty to the Quarter-Master General of the Army?

A. Monthly Numerical Returns.

Q. By what is the strength of Escorts for the protection of treasure regulated?

A. By the amount of treasure to be escorted.†

* Form of Command Certificate of an Escort (or Guard) directed in _____ Station Orders of _____ 18____ to proceed towards _____

Regiment.	Strength.			Nature of Duty.	Date of March.	Date of Arrival at _____.	Have received pay for _____.	REMARKS.
	Havildars.	Nawaks.	Sepoys.					

Signed.....

Major of Brigade.

† The following is the strength agreeably to which Escorts are to be furnished for the protection of treasure, viz :—

						European Officers	Subadars.	Jemadars.	Havildars.	Rank and File.
Amount of treasure not exceeding four lakhs	..	..	..	..	..	0	1	1	1	60
Ditto ditto eight lakhs	..	..	..	..	..	1	1	1	8	150
Ditto ditto twelve lakhs	..	..	..	..	..	2	3	8	18	300

Q. What is the maximum proportion of ammunition to be provided to Infantry Treasure Escorts on ordinary occasions?

A. Forty rounds in pouch, with sixty rounds spare per man.

Q. In the case of Guards over treasure at stations, how often and in whose presence should the Officer in command personally inspect the same?

A. At sun-rise and sun-set, and in presence of the Non-Commissioned Officer on guard.

Q. What should the Officer in Command carefully examine?

A. If the treasure is in boxes, tumbrils, or chests, he should examine their condition and the state of their locks, hinges, seals, wood, and iron work, to ascertain that they have not been tampered with.

Q. If the treasure should be in an enclosed godown, what should he carefully examine?

A. Every entrance by door or window, the state of the locks, hinges, panelling, and frames; and if the windows are barred, the soundness and firmness of every bar.

Q. At what other time should this examination also be made?

A. On a relief taking place, the Officer and Non-Commissioned Officer of the new Guard accompanied by those of the old will make these examinations.

Q. What document will the relieving Officer grant to the relieved?

A. A receipt specifying the exact condition in which he found every thing.

Q. What should be done with this receipt?

A. It should be forwarded to the Officer commanding the station, who should send it to the Officer in charge of the Civil Treasury.

Q. At each relief of sentries, what examination is to be ordered?

A. An examination similar to that made by the Officer in command in the presence of the relieved and relieving sentries.

Q. For what is the Commanding Officer and Visiting Officer of Treasure Guards held responsible in respect to the sentries?

A. That the precaution of placing double sentries over the Treasure is never omitted.

Q. When an Officer is appointed to the command of a Treasure Escort, on receiving charge of the Treasure, how should he verify its accuracy?

A. He should witness the weighing of each box, and grant a receipt for the gross weight, as well as for the number of boxes entrusted to his care.

Q. When Treasure is delivered from one Escort to another, what is the duty of the Officers commanding?

A. To have it weighed in the presence of each other.

Q. When such reliefs take place, where there is no Treasury, how are the necessary scales and weights provided?

A. By the Collector of the District.

Q. For what document should Officers in command of Treasure Escorts apply to the Collector or other Civil Authority making over the Treasure?

Q. When European Corps are marching, is a Native Guard allowed to them ?

A. Yes, a Guard of 1 Havildar and 8 Sepoys, for the protection of Commissariat Stores. [G. O. C. C., 18th February 1864.

Q. Who provides the lights for all Regimental Guards in Native Infantry Regiments ?

A. The Officers drawing the allowance for the repairs of Camp Equipage. [G. O. C. C., 12th December 1864.

ENLISTMENTS.

Q. What is the standard height and age for enlisting Recruits into the Native Army ?

A. Not under 5 feet 6 inches in height, nor above 30 years of age, unless, in the latter case, the individual may have served before.

Q. Is there any exception in favor of Sepoy Musicians and Drummers ?

A. They may, with the sanction of the Commander-in-Chief, be entertained under 16 years of age,—but no service, prior to the completion of that age, is allowed to reckon towards pension.

Q. Previous to enlistment, what examination must Recruits undergo ?

A. They must be carefully examined and pronounced fit by the Medical Officer, and must be approved of by the Commanding Officer.

Q. Are Commanding Officers of Native Infantry Regiments allowed to enlist men of any class at their discretion ?

A. No. The composition of each Native Infantry Regiment is laid down in Army Standing Orders, September 1864.

Q. What should be the principal guide in the selection of Recruits ?

A. Appearances of strength, activity, boldness, and smartness.

Q. Can a Native Soldier who has been struck off the strength of a Regiment, be re-enrolled ?

A. Not without the sanction of the Commander-in-Chief.

Q. When Commanding Officers require Recruits from their recruiting District, what opportunity should they take of obtaining them ?

A. They should avail themselves of the services of their Native Officers and men going on furlough.

Q. May recruiting parties be detached for the purpose of recruiting ?

A. Not without the sanction of the Commander-in-Chief.

Q. What is enjoined with respect to recruiting for the Goorka Regiments ?

A. Particular care to keep up their nationality.

Q. When recruiting parties are sent out, what warning should be given them with respect to the antecedents of those whom they enlist ?

A. That they will be held responsible for the correctness of the names, castes, and villages of the men they bring to the Regiment.

Q. On recruiting parties entering a District, what is the duty of the Native Commissioned or Non-Commissioned Officer commanding the party?

A. To wait on the Civil Authority and request his assistance, should it be necessary.

Q. To what District Authority should each Recruit be taken *after enlistment*?

A. To the Tehseeldar in whose jurisdiction the village he belongs to is situated, in order that he may inquire and verify that his name, caste, parentage, and residence have been correctly stated.

Q. What are the Rules for the registry of Recruits, and for the verification of their Descriptive Rolls?

A. 1st.—A nominal Roll of those entertained in the District will be prepared by the District Officer, and handed to the Recruiting Officers for delivery to the Commanding Officers. 2ndly.—The Adjutant of the Regiment will prepare monthly a Return for each District of all Recruits approved at Regimental Head-Quarters, which will be sent by the Commanding Officer to the respective District Officers. 3rdly.—When Recruits have been enlisted at Regimental Head-Quarters, the Return is to be forwarded in duplicate, one copy for registry in the District office, and the other for the purpose of being verified and returned to the Corps.

Q. When Recruits have been *entertained*, where should the Officer commanding the recruiting party first take them, and for what purpose?

A. To the Major of Brigade, or Station Staff Officers of the nearest station, to be brought before a Medical Officer for examination; and before the Commanding Officer to be passed into the service.

[G. O. G. O., 21st March 1864.]

ESTATES.

Q. When a Native Infantry Regiment is on foreign service, in what manner should the Commanding Officer account for the estates of deceased men?

A. He should transmit to the Adjutant-General quarterly reports of all casualties, dated 1st January, 1st April, 1st July, and 1st October, stating the amount of the estates, the manner in which they have been disposed of, and whether the deceased were entitled to prize-money.

Q. Upon the death of a Native Officer, what is the duty of the Officer commanding the Regiment in respect to his estate?

A. To assemble a Committee composed of a Subadar and two Jemadars, for the purpose of taking an inventory of his effects.

Q. To what effects is such inventory limited?

A. To the effects of the deceased soldier in Camp, Garrison, or Quarters, and not to any personal property left at home, or not within military jurisdiction.

Q. From whence does a Commanding Officer derive his legal authority to adjust the estates of deceased Native soldiers?

A. From the 176th and 177th Articles of War for the Native Army.

Q. What is considered sufficient to warrant the payment of an estate to a claimant?

A. The testimony of any Native Officer, Non-Commissioned Officer, or soldier of respectable character, in addition to the receipt taken on the occasion.

Q. To whom should contested claims of succession be referred?

A. To the proper Civil Tribunal, the amount balance of the estate being paid into the Court in which the suit may be instituted.

Q. Upon the death of soldiers or individuals belonging to any Military Department, whilst on foreign service, how should the Officers commanding the Company, or in charge of the Department to which the deceased belonged, dispose of the estates, in event of there being no heir on the spot?

A. He shall make over the balance of the estate to the Paymaster attached to the Force, taking a duplicate receipt for the same, one copy of which is to be transmitted to the General Treasury.

Q. What record is kept in Native Infantry Regiments to ensure the proper disposal of Estates?

A. A Descriptive Roll of the person or persons to whom the estate should be paid over at death.

Q. How often should these Rolls be revised?

A. At least once a year.

Q. What is done with the proceeds of unclaimed estates?

A. At the expiration of twelve months, they are to be remitted to the Sub-Treasurer for deposit in the General Treasury.

Q. In making application to the Sub-Treasurer for the proceeds of estates of deceased Soldiers deposited in the General Treasury, what should Commanding Officers particularly state?

A. That having made the fullest inquiry, they are satisfied the claimant is entitled to receive the amount.

Q. When claimants apply personally to the Sub-Treasurer, what certificates must they produce?

A. A certificate from the Commanding Officer that the claim has been investigated and found just.

INSANES.

Q. Whenever a Native Officer, Non-Commissioned Officer, or soldier may be afflicted with insanity, what is the duty of the Officer commanding the Regiment?

A. To report the circumstance to the Officer commanding the Division or District, who will direct that the individual be examined by a Medical Committee.

Q. When there may not be two Medical Officers at the station, who then should form the Committee?

A. The Medical Officer of the Regiment and the Officer commanding the Company to which the man belongs.

Q. Should it appear from the report of the Committee that the man is insane, what steps are taken?

A. The Officer commanding the Division will issue an order for his being sent to the hospital for insanes nearest to his home, with such assistance from his Corps as the case may require.

Q. In this case does the insane remain on the strength of the Regiment?

A. No; he is to be paid up, and struck off the strength of the Corps.

Q. What document should be sent to the Medical Officer in charge of the Asylum by post?

A. A certificate of the date to which he is paid, and a statement of his unadjusted claims, such as clothing or prize-money, also a Descriptive Roll.

Q. For what purpose is the Descriptive Roll forwarded?

A. To enable the Surgeon, if the man should appear incurable, but quiet or harmless, to submit the case to Army Head-Quarters, with a view to his transfer to the Pension Establishment, or if a cure has been effected that he may be ordered to rejoin his Regiment.

Q. In the latter case, is the opinion of the Medical Officer of the Asylum sufficient?

A. It must be confirmed by a Medical Committee to be assembled under the orders of the Officers commanding the Station or Division under whose counter-signature a copy of the proceedings is to be forwarded to Head-Quarters.

Q. When Officers commanding Divisions order an insane soldier to be sent to a Lunatic Asylum, what report is necessary?

A. A report to the Adjutant-General, with a copy of the proceedings of the Medical Committee, and a report from the Officer commanding the Corps that a Descriptive Roll has been forwarded to the Medical Officer in charge of the Asylum.

LEAVE OF ABSENCE.

Q. To what extent are Commanding Officers of Regiments or Detachments authorized to grant leave of absence between musters to Native Officers and Privates?

A. To three Commissioned Officers, and also to five Non-Commissioned Officers and sepoya per Company.

Q. In extraordinary cases of real emergency, what leave may Commanding Officers of Corps grant?

A. Leave of absence for thirty days, irrespective of muster.

Q. In this case, what record is necessary?

A. The exact dates of departure and return of the men to whom the indulgence is granted must be entered in the Muster Rolls.

Q. With whose sanction may leave for a greater length of time be granted?

A. With the sanction of the Officer commanding the station, and is never to exceed four months.

Q. To whom should applications for leave be made in the first instance?

A. To the European Officer in command of the Company to which the applicant belongs.

Q. When Native Troops are employed on actual service, may Commissioned Officers of Corps grant leave?

A. Not without the permission of the Officer commanding the Force.

Q. How is the Roster of leave granted to Native Commissioned and Non-Commissioned Officers to be kept?

A. By Regimental Roster, and not by the Rolls of Companies.

Q. What cautions should Commanding Officers of Corps give their men when proceeding on leave?

A. To be strictly on their guard against persons who may evince a desire to keep them company, to avoid associating with strangers, or permitting them to cook for them. Not to receive pawn, tobacco, or sweetmeats from such persons, or smoke their hookahs. Not to quit serais before the rest of the travellers, and to travel as much as possible with large bodies of people, and to keep together as long as their several destinations will permit. Likewise to provide themselves with Bills of Exchange instead of carrying money on their persons.

Q. Whenever a Native Soldier proceeding on leave of absence may take with him a draft on any Government Treasury payable to himself, with what other document should he be furnished?

A. With a transcript of his Descriptive Roll in addition to that appended to the draft.

Q. What recommendation is necessary for Native Officers or Soldiers to be permitted to proceed on sick furlough?

A. The recommendation of a Medical Committee that such indulgence is imperatively required.

Q. Does the number of men who are on sick certificate from any Regiment at the period of furlough affect the number, to whom such furlough is granted?

A. They are to be considered as forming part of the proportion to whom the indulgence is granted, so that the actual absentees from a Regiment shall not exceed the number authorized per Company.

Q. Whenever any Native Officer or Soldier proceeding on or returning from leave of absence happens to fall sick, and is admitted into the hospital of another Corps, what is the duty of the Officer commanding that Corps?

A. To immediately communicate the circumstance to the Officer in command of the Corps to which the man belongs; to whom also the date on which he may be discharged from hospital is to be reported.

Q. When men do not rejoin their Regiments, and no authentic information of them is received within a reasonable period, what steps will the Commanding Officer take?

A. He will cause inquiry to be made through the Officer of the Thuggee Department and the Civil Authorities nearest their homes, to whom they will furnish Descriptive Rolls.

Q. Whenever it shall appear to the satisfaction of the Commanding Officer that men have been detained by any unavoidable cause beyond the period for which furlough or leave was granted, what course should be adopted?

A. An application should be made to the Officer commanding the Division or District for such extension as he may deem reasonable.

Q. When the proper certificates of a Native Soldier's admission into hospital are furnished, is an extension of leave necessary?

A. No.

Q. Is the indulgence of leave of absence granted to mustered Native Establishment?

A. Yes, on their furnishing fit substitutes who are to be returned on the Muster Roll after the permanent establishment, with remarks, showing in whose room they have been temporarily entertained.

Q. Previous to Native Regiments proceeding on service, how are the weak and sick men to be disposed of?

A. They are invariably to be presented before a Medical Committee in view to such as may be pronounced unfit from impaired health to accompany the Corps, being sent to their homes on sick leave.

ORDERS OF BRITISH INDIA.*

Q. For what service is the order of British India conferred upon Native Commissioned Officers?

A. For long, faithful, and honorable service.

Q. Of how many classes does the order consist?

A. Of two classes, each of fifty members.

Q. How are the classes composed?

A. The first class is composed exclusively of subadars, and the second class is open to all grades of Native Commissioned Officers.

Q. What pecuniary benefits accrue to each class?

A. Each member of the first class receives two rupees a day, and each member of the second class one rupee a day, in addition to his Regimental allowances, or invalid pension.

Q. Of what does the insignia of the order consist?

A. Of a gold star, inscribed with the words "Order of British India," pendent from a sky-blue ribbon, one inch and-a-half broad, to be worn round the neck on the outside of the collar of the coat, on full dress parades, and other occasions of ceremony.

* For standard value of these orders, see G. O., 11th January 1869, S. O., No. 9.

Q. What titles are given to recipients of the Order?

A. Officers of the first class receive the title of "Sirdar Bahadoor," and those of the second class that of "Bahadoor."

Q. Does nomination to the Order of British India confer superior military rank?

A. No.

Q. How is the Order to be presented?

A. In presence of the Regiment on parade.

Q. How are the names of members of the Order borne on the monthly Returns of the Corps?

A. In red ink; and in those Regiments in which there is no member of the Order, a note to that effect is to be made.

Q. On the occurrence of a casualty of a member of the Order, what report should be made?

A. It is immediately to be reported to the Adjutant-General and to the Officer in charge of the Adjutant-General's office at the Presidency.

[G. O., C. C., 22nd January 1862.]

Q. When a member of the Order is promoted from the second to the first class, what becomes of the decoration of Bahadoor?

A. It is forwarded to the Officer in charge of Adjutant-General's office at the Presidency?

Q. On the occurrence of the decease of a member of the Order, what becomes of the insignia?

A. It is allowed to remain in possession of the family.

Q. In the case of the removal from the service of a member of the Order, what becomes of the decoration?

A. It will invariably be reclaimed.

*ORDER OF MERIT.

Q. What is the object of the Order of Merit?

A. To afford personal reward for personal bravery, irrespective of rank or grade, and without reference to any claim founded on length of service or good conduct.

Q. Of how many classes does the Order consist?

A. Of three.

Q. What are the insignia of the Order?

A. The two juniors are distinguished by a silver badge; and the senior, by a gold one, in the shape of a Military laurelled Star, bearing the inscription "The Reward of Valor."

Q. How is it worn?

A. On the left breast, pendent from a dark blue ribbon, with red edges.

Q. How is admission to the different classes of the Order obtained?

A. Admission to the third class is obtained by any conspicuous act of individual gallantry, performed by any Native Officer or soldier in the field, or in the attack or defence of fortified places. Admission to the second class can be obtained only by members of the third class and for similar service; and in like manner the Order of the first class is conferred only upon members of the second and third classes.

Q. What additional allowance does admission to this Order confer on its members?

A. In the third class to one-third, in the second class to two-thirds, and in the first class to the entire of the ordinary pay of the rank, in addition to such pay or to the pension the member may be entitled to when invalided.

Infantry Scale.

		1st Class.	2nd Class.	3rd Class.
Subadars ...	...	62 0 0	34 10 8	17 5 4
Jemadars ...	...	17 0 0	11 5 4	6 10 8
Havildars ...	...	9 0 0	6 0 0	3 0 0
Naicks ...	...	7 0 0	4 10 8	2 5 4
Sepoys ...	...	5 8 0	3 10 8	1 13 4

[G. O., C. C., 17th June 1855.]

Q. Does the Order confer any advantage upon the widow of a member?

A. She is entitled to receive the sum conferred by the Order on her husband, for three years after his decease.

Q. In the case of a plurality of wives, which one is entitled to it?

A. The first married.

Q. When a soldier has performed any particular act of gallantry, how is admission to the Order obtained for him?

A. A representation is made through the usual channel to the General Officer commanding the Division, who will order the assembly of a mixed Court, to be composed of one Field Officer, two Captains, and two Subadars, before which the individual recommended will appear, when witnesses will be called and examined on oath or attestation as to what they saw the soldier perform in the action referred to.

Q. Who should conduct the proceedings?

A. The Deputy Judge Advocate-General, if available.

Q. How should the Star of the Order invariably be presented?

A. In presence of the Regiment assembled on parade.

Q. In cases of advancement to a superior class of the Order (or the removal* of a member from the service), what becomes of the (inferior) badge?

A. It is transmitted to the office of the Adjutant-General of the Army at the Presidency.

* For Orders regarding removal of members from the service, see G. O., No 282 of 11th October 1869.

Q. In the case of the death of a member of the Order, what becomes of the insignia?

A. It is allowed to be kept by the family of the deceased.

Q. In cases of the death, removal, or transfer of parties who have been admitted to the Order, but have not received the decoration, what report is necessary?

A. An immediate report to the Officer in charge of the Adjutant-General's office, Calcutta.

[G. O., G. O., 25th January 1859.]

PRISONERS AND PUNISHMENTS.

Q. Should Native soldiers, when sentenced to simple imprisonment be made over to the Civil Power?

A. Not in cases in which they are to return to their duty in the ranks.

Q. Where then should they undergo their punishment?

A. In the quarter-guard of their Regiment, or in any other building at the station, which may appear suitable for the purpose.

Q. Should Non-Commissioned Officers take any part in the confinement of drunken offenders?

A. No, other than ordering an escort of Privates to place them in restraint.

Q. When a prisoner, who has been sentenced to mixed imprisonment, has to undergo the portions of solitary confinement awarded, at what hour should he be committed to the cells, and at what hour return to ordinary imprisonment?

A. At sun-rise of the day on which each portion of solitary confinement commences, and at sun-set of the day on which the same terminates.

Q. At what hour should a term of imprisonment cease?

A. After the regular dinner hour and before sun-set on the day on which the sentence expires, except on a Sunday, Christmas Day, or Good-Friday, in which case, the prisoner may be released at the regulated hour of the previous day.

Q. When a soldier is removed into hospital, while undergoing a sentence of imprisonment, how does the period, during which he is in hospital, reckon?

A. As part of the sentence.

Q. Whenever a prisoner is allowed to quit a Guard for a short time for any purpose, by whom should he be escorted?

A. By not less than two or more of the Guards, and no two prisoners should be allowed to go together.

Q. When are hand-cuffs to be used?

A. They are invariably to be furnished to the Officer commanding the guard, having in its charge native convicts under sentence of death or transportation, and are always to be placed on the prisoners at sun-set.

Q. Is the punishment of Native soldiers with a rattan authorized?

A. It is strictly prohibited.

Q. What is the authorized implement for corporal punishment?

A. A cat of the following dimensions:—Length of handle, 18 inches; number of cords, 9, of thin Europe whip cord, each 24 inches long, with 3 knots upon each cord. [G. O., G. O., 24th June 1859.]

Q. Is the depriving a Native soldier of his furlough an authorized punishment?

A. Any description of minor punishment, not specified in the 165th Article of War for the Native Troops, or in G. O., G. O., 14th August 1865 (or in excess thereof), is illegal.*

PROMOTIONS.

Q. What acquirements are essential, without which no Sepoy is to be promoted in a Corps of the line?

A. A competent knowledge of reading and writing, in at least one language.

Q. By whom are promotions in the Non-Commissioned grades made?

A. By the Officer commanding the Regiment.

Q. By whom are promotions in the Native Commissioned grades made?

A. By the Government, on the recommendation of the Commander-in-Chief.

Q. In all ordinary cases, how are vacancies in these grades filled up?

A. From the seniority Roll of the Regiment.

Q. How are vacancies in detached Companies employed on actual service filled up?

A. By promotions in those Companies.

Q. To what grades is the appointment of Pay Havildar to be confined?

A. To those of Havildar and Naik.

Q. If there should happen to be no Non-Commissioned Officer qualified in the Company, how is the situation filled up?

A. By the selection of a duly qualified Havildar or Naik from another Company.

Q. To what grades are the situations of Drill and Color Havildar and Drill Naik to be confined?

A. To the grades of Havildar and Naik.

Q. Are pay Havildars eligible for appointment to Color Havildar?

A. They are.

Q. Does seniority or length of service constitute a claim to promotion, irrespective of past conduct and general qualifications?

A. They are always to be taken into account, but are never to be allowed to operate against proved disqualifications in other respects.

Q. When Commissioned or Non-Commissioned Officers are passed over, what should they be made to understand?

A. That it is still open to them by an improved course of conduct to establish a claim to promotion.

*PAY AND ALLOWANCES.

Q. Are all Native Commissioned Officers paid alike?

A. No, they are paid according to class.

Q. Specify the classes and the monthly pay of each?

					R.	A.	P.
A.	Two Subadars,	1st Class, at	...	...	100	0	0
	Ditto ditto,	2nd Class, at	...	...	80	0	0
	Four ditto,	3rd Class, at	...	...	67	0	0
	Four Jemadars,	1st Class, at	...	...	35	0	0
	Four ditto,	2nd Class, at	...	...	30	0	0

Q. With what powers are Commanding Officers vested in regard to the bestowal of these classes?

A. The Officer commanding a Native Infantry Regiment is empowered to reduce from the higher to the lower rates of pay, such Native Commissioned Officers, as through inattention or carelessness cease to deserve the increased Meritorious Service Pay; and also to advance to the higher rates such as appear deserving of promotion. The dates of reduction and promotion being invariably noted in the Muster Rolls of Companies.

Q. When a Native Commissioned Officer is disgraced, what record must the Commanding Officer make of the same?

A. He must publish in Regimental Orders a full record of his reasons for disgracing or advancing a Native Commissioned Officer.

[G. O., G. G., No. 280 of 29th March 1864.]

Q. Specify the monthly rates of Pay, and of Pay and Batta of Non-Commissioned Officers, Drummers, and Sepoys?

A.		Pay	Batta.	Pay and Batta.
Havildars	... }	11 0 0	3 0 0	14 0 0
Naicks	... }	9 0 0	3 0 0	12 0 0
Drummers	(Christian)	6 0 0	5 0 0	11 0 0
Ditto	(Native)	5 8 0	1 8 0	7 0 0
Sepoys	...	5 8 0	1 8 0	7 0 0

Q. What additional pay is granted to Sepoys and Drummers?

A. Good Conduct Pay, as follows:—

1 rupee, after 6 years' service.

2 rupees, after 10 ditto ditto.

[G. O., G. G., No. 270 of 29th March 1864; and G. G. O., No. 586 of 16th July 1864.]

* See G. O., No. 660 of 31st May 1865

Q. Can a Native soldier be denied or be deprived of Good Conduct Pay?

A. Yes, as a consequence of having been sentenced to a punishment necessitating entry in the Regimental Defaulters' Book; all convictions by Court Martial, as well as minor punishments (deprivable of liberty), being entered in the said Book.

Q. If a soldier not already in receipt of Good Conduct Pay, commits an offence involving entry in the Regimental Defaulters' Book, for how long shall he be ineligible for this reward?

A. For two years, from the date of his offence.

Q. If he be already in receipt of Good Conduct Pay, what does such entry impose?

A. The deprivation of one rupee per mensem of such good Conduct Pay for one year.

Q. If within that year he commits a second offence of the kind, what then?

A. It shall render two years of uninterrupted good conduct necessary to obtain a restoration of the forfeited reward.

[G. O., G. O., 14th August 1885.]

Q. What privilege is allowed to a Sepoy who may deny the commission of the offence whereby he has suffered forfeiture of Good Conduct Pay?

A. He shall have the right to demand trial by Court Martial. [M. R.]

Q. If a Non-Commissioned Officer shall be reduced to the ranks, shall he be entitled to Good Conduct Pay?

A. Yes, at the same rate as a Sepoy of good character of similar length of service; provided that for one year from the date of his return to duty as a Sepoy, he shall forfeit one rupee a month of such Good Conduct Pay, subject to the foregoing rules.

[G. G. O., No. 666 of 5th July 1885.]

Q. What extra allowance is granted to the Native Staff of an Infantry Regiment per mensem?

A.	To Subadar-Major	...	...	...	...	Rs.	25	0	0
	" Drum-Major	...	...	...	...	"	5	0	0
	" Pipe-Major	...	...	...	...	"	5	0	0
	" Drill H. vildar	...	...	...	...	"	5	0	0
	" Drill Naick	...	...	...	...	"	2	8	0
	" Pay Havildar	...	...	...	...	"	5	0	0
	" Color Havildar	...	...	...	...	"	2	0	0

Q. What is Batta and extra Batta?

A. Batta is an addition to pay proper. Extra or additional Batta is allowed when men are marching, and are not provided with carriage, or are proceeding by water on duty, or are transferred from one Regiment to another, or are on recruiting duty.

Q. From and to what date is extra Batta allowed when a Corps or its Head-Quarters changes its station?

A. For three day before, and three days after the march. If a Detachment, for the actual time of march only.

Q. What are the rates of extra Batta?

A. To Subadars	...	...	...	...	Rs.	15	0	0
„ Jemadars	...	...	...	...	„	7	8	0
„ Havildars	...	...	...	...	„	5	0	0
„ Naicks	...	...	...	...	„	5	0	0
„ Drummers (Christian)	...	...	...	...	„	5	0	0
„ Drummers (Native)	..	...	...	...	„	1	8	0
„ Sepoys	...	...	...	...	„	1	8	0

Q. Is ordinary or Cantonment Batta allowed to Native Troops whilst on furlough or leave of absence?

A. It is, including leave from foreign service

[G. O., No. 170 of 1866.]

Q. What Pay and Batta is allowed to the estates of Native Officers and Sepoys who die before the 15th of the month, and also after that date?

A. Half a month's pay is allowed for Native Officers, Non-Commissioned Officers, and Sepoys who die before the 15th of the month, and a full month's pay for those who die after that date, with Batta to date inclusive of the death.

Q. From what date are those who are promoted entitled to the superior allowances?

A. From the day succeeding the casualty causing the promotion.

Q. What additional pay is allowed to Native Troops when on foreign service?

A. Pay and Batta and extra Batta, besides rations gratis.

Q. What advances are made to Native Troops proceeding on foreign service?

A. Advances of two months' pay and allowances, including the month then current.

Q. To what pay are Native Officers, soldiers, or public followers entitled when under the sentence of a Court Martial or a commuted sentence, or under sentence of a Court of Criminal Judicature, which does not entail dismissal from the service?

A. To pay proper only. [G. G. O., No. 242 of 1862.]

Q. To what pay are soldiers entitled when subjected to confinement in the quarter-guard or defaulters' room, or in a solitary cell, or any other place of imprisonment?

A. To subsistence at two annas per diem under the foregoing Regulation, Act V. of 1860, Art. 154.

Q. At what rates are Recruits paid?

A. If entertained with the sanction of the Commander-in-Chief at places more than 200 miles from Regimental Head-Quarters, Recruits, until approved by the Medical Officer, and passed into the service by the Commanding Officer of the nearest Military station, receive subsistence money at the rate of two annas per diem. On being passed into the service, they receive the pay proper of a Sepoy, viz. Rs. 6-8 per mensem; and on joining their Regiment, and being approved by the Medical Officer and Commanding Officer, they receive, after standing a muster, Rs. 1-8 Batta in addition, making a total pay of Rs. 7 monthly. [See G. O., C. O., 21st March 1864. See also G. O., No. 105 of 22nd April 1869.]

Q. What pay should be drawn for Native soldiers who from having over-marched themselves when returning from furlough, join their Regiments in a debilitated state, rendering their admission into hospital necessary?

A. Pay proper only, until reported fit to return to duty.

Q. What subsistence is allowed for Native deserters?

A. Two annas per diem.

Q. What claims may be adjusted from the arrears due to a deserter?

A. The claims of the Regimental Buncleahs for the month for which the pay was due, as well as the expenses of apprehension, retaining the balance, if any, in the Regiment, for transmission to the Controllor General of Accounts, Calcutta, on the 1st January of each year. The re-admission on the strength of Corps, and payment of arrears of pay, must receive the sanction of the Commander-in-Chief.

Q. What record of payment of a Regiment is necessary in the monthly Return?

A. A note at foot of 2nd page, specifying the date up to which the Corps has received pay and all dues.* [G. O., C. O., 23rd September 1869]

PAY DURING LEAVE OF ABSENCE.

Q. During the absence on leave of Pay Havildars, Drill Havildars, or Drill Naleks who supplies their places?

A. Men nominated to officiate for them, for whom the authorized staff allowances will be drawn.

Q. Does the same rule hold with respect to Color Havildars?

A. No. The appointment being intended as a reward of merit, the situation is not filled up during the absence of the permanent incumbent, who is allowed to draw his staff pay in arrears on his return.

Q. Whenever any Native Officer or soldier proceeding on or returning from leave of absence, may happen to fall sick, and be admitted into the hospital of another Corps, what steps must the Officer commanding that Corps take?

A. He must immediately communicate the circumstance to the Officer commanding the Corps to which the man belongs, and also the date of his discharge from hospital.

* Note.—For the additional pay conferred by the Order of British India and Order of Merit, see under those headings.—M. R.

Q. How are such sick Sepoys paid?

A. The Officer commanding the Wing to which such Sepoy belongs must draw the pay which may be due to him, supported by the admission report and existence certificate, and remit it by draft on the nearest Treasury to the station where the Sepoy is detained in hospital.

Q. Is this to continue?

A. Yes, monthly, until the receipt of the report of the man's discharge from hospital.

Q. Under such circumstances, is an extension of leave necessary?

A. If the term of leave has expired, an extension from the General Officer commanding the Division or District would be necessary before any pay could be drawn beyond the period of original leave.

Q. When a Native soldier obtains leave between musters, and fails to rejoin at the proper time, what pay is allowed to him?

A. Pay, Batta, and Good Conduct Pay for the term of his authorized leave, and the same for any period in excess, when such excess is sanctioned by the Commanding Officer of the Division or District, not otherwise.

PAY.

Addenda.

Abstract of Rules relating to the Allowances admissible to Officers Officiating in appointments in Native Regiments, under the Old Regulations, extracted from Kerr's valuable Book of Pay Tables.

1.—The appointments held by European Commissioned Officers in Native Regiments, being considered "Staff Appointments," the Officers of those Regiments are accordingly entitled to all the privileges attaching to Officers holding Military Staff employment, including that of drawing *half* Staff salary for six months during absence on Sick Certificate under the Regulations.

2.—No Staff Officer, acting in an appointment, can draw more than *half* of the Staff salary attached to that appointment, until he shall have acted in the situation for six months, reckoning from the date of his joining the appointment; at the expiration of that period, he will be entitled to the *full* Staff salary, if available, but not otherwise, *except* in a Native Regiment, when there is a full vacancy, either in the Command or other appointment, or an acting vacancy in which the whole Staff salary is available.

3.—An Officer, who has *bona fide* officiated in an appointment for six months, although not continuously, is entitled at the conclusion of that period to the *full* Staff salary of the appointment, should it be available.

4.—An Officer commanding a Native Corps, on being transferred to the command of another Corps, on public grounds, is entitled to his *full* Staff salary whilst proceeding to join.

5.—Officers of Regiments acting for the Regimental Staff or Commandants, during the absence of the latter, on any special duty, for the performance of which they receive no allowances which would invalidate their claim to at least *half* the Staff salary of their appointments, are entitled to receive only *half* the Staff salary of the appointments in which they may officiate, with, of course, any office allowance, &c., attached thereto, and also *half* the Staff salaries of their own permanent appointments.

6.—The appointment of a Staff Officer to any duty whilst on leave, gives him no claim to any increased allowance, but the period so occupied counts as service towards pension. Nor, in the event of his being on privilege leave, when so appointed, does the Officer performing his duties during his absence become entitled to any portion of his Staff salary, until the period of that leave has expired.

7.—An Officer holding a permanent Staff appointment, if appointed to officiate in another distinct appointment, in addition to his own duties, is entitled to his own Staff salary, with *half* of the Staff salary of the situation in which he is officiating.

8.—If a Staff Officer officiates in another Staff appointment, without also continuing to perform the duties of his own permanent appointment, and receives the *full* Staff salary of the officiating appointment, he is to draw that salary only. If, however, he receives only *half* the Staff salary of the officiating appointment, he is to draw also *half* the Staff salary of his own permanent appointment, the Officer acting for him (if any one be appointed to act) drawing the other *half*.

9.—The allowance for charge, repairs of arms, and payment of Wings and Squadrons, the office allowances of Adjutants and of Doing-duty Officers in the Cavalry, and the allowance for repairs of tents of Quarter-Masters, are to be paid to the officers present and actually performing the duties of the appointments, and not to absentees, unless the absentee be on privilege leave, when, to retain his right to the Wing, Squadron, contract, or office allowance, he must provide for the performance of his duties to the satisfaction of his Commanding Officer.

10.—An Officer directed to officiate in an inferior appointment in his Regiment, is not entitled to any portion of the Staff salary of such lower situation, but he will draw the charge, contract, or office allowance of the appointment. In such cases, the arrangement for carrying on the duties of the appointment is a matter of Regimental detail, which should be directed in Regimental Orders, and does not require the confirmation of Government or of the Commander-in-Chief. Thus, a second in command and Squadron Officer being directed to take charge of another Squadron, in addition to his own, or an Adjutant being ordered to assume charge of a Squadron, or a Squadron Officer or Adjutant acting for a Doing-duty Officer, would only be entitled to the allowance for the payment of the Squadron, or to the office allowance of the Doing-duty Officer, in addition to his own Staff salary and office or other allowance. In like manner, in the Infantry, a Wing Officer, being ordered to assume charge of the other Wing, in addition to his own, would simply draw the office contract, or charge allowance of the appointment.

11.—When an Officer is directed to officiate in a higher appointment, as in the case of a Doing-duty Officer directed to officiate as Quarter-Master or Adjutant; an Adjutant or Quarter-Master, as Wing Officer; a Wing or Squadron Officer, as Second in Command; or a Second in Command, as Commandant,—the Regimental order nominating him must be submitted for confirmation to His Excellency the Commander-in-Chief, or (in the case of Corps under Government) for confirmation by the Government of India. In such cases, the Officiating Officer is entitled to *half* the Staff salary of his substantive appointment, together with *half* the Staff salary of the officiating appointment, and the charge, contract, or office allowance of the officiating appointment, for a period of six months; and after that period in the event of the continued absence of the permanent incumbent, to the full Staff pay, if available, and charge, contract, or office allowance of the

officiating appointment, but to no portion of the salary of his substantive appointment, except the office allowance granted under para. 10.

12.—It is not desirable, as a Rule, that Officers belonging to Native Regiments on the new organization, should be appointed to perform the duties of another Regimental post in addition to their own. There is, however, nothing in *para. 3* of G. G. O., No. 723 of 7th September 1864, (see *para. 11*), which militates against the passing to an Officer so situated the *half* Staff salary of the appointment in which he may be officiating, in addition to his salary of his own situation, the office allowance, if any, of both appointments being of course also passed to him. In order that there may be a proper check upon the instances of an Officer being appointed to perform the duties of another post in addition to his own, such appointment will be subject to the approval of the Commander-in-Chief, or of Government, as the case may be.

13.—In the case of a superior Officer acting in the appointment of Quarter-Master, in a Native Infantry Corps, in the absence of an available Junior Officer, he is allowed the forfeited portion, if any, of the Staff salary, as no office allowance is attached to the appointment. This is the only case in which such an arrangement is necessary, as Wing or Squadron Officers acting for other Wing and Squadron Officers, draw Squadron or Wing allowances, and senior Officers acting as Adjutants receive the authorized office allowance.

14.—When there is no Officer present drawing any portion of the Staff allowance of a Quarter-Master in a Native Infantry Regiment, under the new organization, an office allowance of Rupees 30 per month may be passed to the Officer performing the duties, as allowed in Cavalry Corps.

15.—An Officer officiating on the *full* Staff salary of the lowest grade, when appointed to officiate in a higher situation, is entitled to the *half* Staff of his officiating lowest appointment, and *half* Staff of the higher grade.

16.—It is not necessary to appoint an Officer to officiate as 2nd Squadron or 2nd Wing Subaltern, during the absence of one of the two officers on leave, or on his employment, temporarily, in another situation.

17.—An Officer officiating in a Staff appointment, is not entitled to *half* Staff salary whilst on general leave.

18.—Officers who may be only officiating in appointments, ought not to be employed on special detached duty, as they are not entitled to compensation when so employed.

19.—The four Doing-duty Officers of the Corps of Sappers and Miners, are considered Staff Officers, and are entitled to *half* Staff salary during the first six months of their absence on leave on Medical Certificate to England.

20.—An Officer nominated to an appointment in a Native Regiment, either permanently or officiating, and on joining, is immediately promoted to officiate in a higher appointment in the same Regiment, does not forfeit his *lien* upon the lower appointment, to which he was first nominated, or his claim to *half* the Staff allowance, if it be available, so long as he only draws the *half* Staff salary of the higher appointment.

21.—Station Staff appointments are not Staff appointments in the full sense as entitling the incumbents to draw any Staff salary, during absence on leave, or other than privilege leave; the Staff salary can only be drawn by the Officer actually performing the duties; when detached on *duty* compensation is admissible.

22.—It is considered a standing Rule, in respect to Staff and other extra allowances, that the Officer relieved will receive such allowances for the day on which the relief takes place, and the relieving Officer commences to receive them only from the succeeding day.

WORKING PAY.

Q. When is working pay allowed to Native Troops?

A. When employed in Military or Public Works other than those connected with their own Lines or Parades in Cantonment, or in the improvement or protection of their position or camp on service.

Q. What daily rates are allowed to Native Troops?

A. To Subadars	...	...	...	...	Annas	8
" Jemadars	...	...	...	...	"	6
" Non-Commissioned Officers, Rank and File	...	...	...	...	"	2

Q. How many hours is a working day reckoned to be?

A. Eight hours.

Q. What is the smallest period for which working pay is granted?

A. Two hours.

Q. Give the proportions of working pay for the broken periods of a day?

A. For 2 hours	...	...	...	...	$\frac{1}{4}$ day
" 2 to 4 hours	...	...	...	...	$\frac{1}{2}$ "
" 4 to 6 do.	...	...	...	...	$\frac{3}{4}$ "
" 6 to 8 do.	...	...	...	...	full day.

Q. When working parties are employed in water, what rates are allowed to them?

A. At the rate of a day-and-a-quarter's pay for one day's work.

[G. O. O., No. 717 of 1868]

HUTTING MONEY.

Q. When Native Troops of the Line are compelled to erect huts, or to repair those of which they take possession, what allowance is made to them?

A. In the former case, full hutting money; and in the latter, half hutting money.

Q. Specify the rates of hutting money?

			Full.			Half.		
A. To Subadars	...	Rs.	30	0	0	15	0	0
" Jemadars	...	"	15	0	0	7	8	0
" Havildars and Naicks	...	"	10	0	0	5	0	0
" Drummers, Christian	...	"	10	0	0	5	0	0
" Do., Native	...	"	8	0	0	1	8	0
" Sepoys	...	"	8	0	0	1	8	0
" Native Establishments	...	"	2	0	0	1	0	0
" Native Doctors	...	"	14	0	0	7	0	0

Q. Who are entitled to this allowance as a general rule?

A. All persons on the permanent establishment of Corps, who, by existing Regulations, draw Batta.

Q. In order that Troops may receive this allowance, without delay, on arriving at their new Lines, what steps must Commanding Officers of Corps take?

A. They must transmit bills for hutting allowance to the Pay Master of the Division before marching.

Q. Is hutting money a personal allowance?

A. No, it is to be clearly understood that it is granted solely with a view of aiding the soldier in hutting himself; and should any portion which has been received not have been distributed, the balance is to be lodged with the Deputy Pay Master for credit to Government.

COMPENSATION.

Q. When are Native Troops entitled to compensation for dearness of provisions?

A. Whenever the price of provisions forming their diet shall exceed Rs. 3-8 per mensem.

Q. Are public establishments also allowed compensation?

A. Yes, when the price of provisions forming their diet shall exceed Rs. 2-8-8 per mensem.

Q. How is compensation drawn, and to what extent?

A. Bills for compensation for the average excess in price *actually* paid for rations are included by the Commanding Officer in the Regimental general state of account in Bengal Form No. 161.

Q. What articles constitute the daily rations of fighting men, and what that of public establishments, with their fixed rates?

	<i>Fighting Men.</i>	<i>Followers.</i>	<i>Rate.</i>
*A. Wheat, flour, or rice	seer 1	seer $\frac{1}{2}$	15 seers per Re.
Dholl	... cks. 2	cks. $\frac{1}{2}$	10 "
Ghee	... " 1	" $\frac{1}{2}$	2 "
Salt	... " $\frac{1}{2}$	" $\frac{1}{2}$	8 "

Q. How are public establishments defined?

*A. All classes of persons (Military Followers) enlisted or entertained on fixed established rates of pay, and who are liable to be moved from one station to another.

[P. O. and G. O., G. G., No. 454 of 27th May 1864, and No. 869 of 7th November 1864.

Q. What penalty are Commanding Officers liable to who neglect to draw compensation for their men when entitled to it?

A. To have the claim recovered from their pay, unless they can adduce satisfactory evidence to show that the non-presentation of the claim within the prescribed period of three months was unavoidable.

[G. O., C. C., 11th April 1864.

* Extended to all Native Local Troops and to all permanent Military Establishments who are in receipt of less than 10 Rs. per mensem.—G. O., No. 23 of 23rd January 1869.

Q. Is compensation allowed to Native Troops for loss of private effects?

A. Yes, if such loss happens while on active service, or proceeding on duty.

Q. Under such circumstances, what is the maximum compensation allowed?

A. Subadars	...	1 month's pay and full Batta.
Jemadars, Non-Comd. Officers,	}	1/2 " "
and Native Doctors		
Drummers, Buglers, and Privates,	2	" "

Q. When the actual value of soldier's necessaries destroyed cannot be correctly ascertained, what is necessary?

A. A statement is to be drawn up by the Wing Officer, showing their estimated value *at the time of loss "according to the best of his belief, after careful inquiry."*

[G. O., G. O., 24th August 1863.]

INVALID PENSIONS.

Q. What length of service is necessary to entitle a Native Commissioned, Non-Commissioned Officer, or soldier to the benefits of the Pension Establishment?

A. To the lower rates of pension, 15 years; to the higher, 40 years.

Q. What is necessary to recommend a man to pension?

A. He must be, in every respect, unfit for the service, by wounds, age, or infirmity.

Q. What are the rates of pension admissible to the Native Infantry?

Rank		After 15 years.	After 40 years.
A. Subadars	...	Rs. 25	Rs. 40
Jemadars	...	" 12	" 20
Drum-Majors, Eur. descent	...	" 10	" 12
Havildars	...	" 7	" 12
Naicks	...		
Drummers, Christian	...		
Sepoys and Nat. Drummers	...	" 4	" 7

[G. O., No. 722 of 6th September 1864.]

Q. What period of service is necessary in each rank to entitle a Native Commissioned, Non-Commissioned Officer, Drum, Fife, or Bugle-Major to the pension of his rank?

A. A service of full three years.

Q. Should the claimant have served less than three years in the rank he holds, to what pension is he entitled?

A. To the pension of the next inferior rank, provided his service in both ranks amounts to three years.

[P. O.]

Q. Are Native Commissioned, Non-Commissioned Officers, and men entitled to pension for long service alone?

A. Yes, the *ordinary* pension is claimable after 40 years' service, irrespective of fitness or unfitness for further service.

Q. Under what circumstances are the *increased* rates of pension after 40 years' service granted?

A. To Native Officers and men of certified* unblemished character during the entire period of their service.

Q. What additional pension is admissible to a Subadar-Major?

A. The Brevet pay of his rank (Rs. 25 per mensem, on the special recommendation of the Commander-in-Chief) [P. C. G. G. O., No. 722 of 1864.]

Q. Upon what is such recommendation based?

A. Upon the recommendation of the Commanding Officer made in a distinct Descriptive Roll, affording full particulars of the Subadar-Major's services, to be furnished in duplicate, and accompanied by a transmitting letter. [M. R.]

Q. When Commanding Officers do not recommend men, who have served upward of 40 years for the increased rates of pension, what is necessary?

A. The grounds of the exclusion must be furnished in detail to enable the Commander-in-Chief to judge of the propriety or otherwise of withholding the boon. [M. R.]

WOUND PENSIONS AND GRATUITIES.

Q. What gratuities are granted to Native Commissioned Officers when seriously wounded, but not to such extent as to entitle them to pension?

A. Gratuities reckoned as so many months' Regimental pay, according to the nature and extent of the injury received.

Q. When Native Commissioned Officers are wounded in action, by what Rules are their pensions and allowances regulated?

A. By the Rules applicable to European Officers laid down in the Royal Warrant, published in G. G. O., No. 797 of 7th September 1861.

Q. What is the highest rate of pension allowed to Native Commissioned Officers of Infantry for wounds?

A. Subadars Rs. 25 per mensem.
Jemadars " 12 do. do.

[G. G. O., No. 722 of 1864 and P. C.]

Q. What monthly rate of pensions is allowed to Native Non-Commissioned Officers and soldiers for wounds or injuries received in action?

A. Pensions according to the nature and extent of the wound or injury in the following degrees:—

1st Degree.—Men losing two limbs or both eyes, or so severely wounded as to be totally incapable of earning a livelihood, and to require assistance and care.

2nd Degree.—Men rendered incapable of earning a livelihood, but not requiring care.

3rd Degree.—Men able to contribute in a small degree to a livelihood.

* Section 14, Paragraph 13, M. R.

4th Degree.—Men able to contribute materially to a livelihood, though unfit for the ordinary duties of the service.

Pensions.

<i>Infantry of the Line.</i>	<i>1st Degree.</i>	<i>2nd Degree.</i>	<i>3rd Degree.</i>	<i>4th Degree.</i>
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Havildars	7 0 0	5 4 0	3 15 0	2 15 3
Nalcks	7 0 0	5 4 0	3 15 0	2 15 3
Drum or Fife-Major, of Eur. descent	10 0 0	7 8 0	5 10 0	4 3 0
Ditto, Native	7 0 0	5 4 0	3 15 0	2 15 3
Drummer, Christian	7 0 0	5 4 0	3 15 0	2 15 3
Ditto, Native	4 0 0	3 0 0	2 4 0	1 11 0
Sepoys	4 0 0	3 0 0	2 4 0	1 11 0

Q. Are these pensions granted to men of short service?

A. Yes, if invalided on account of injuries received on the performance of their duties incapacitating them from further service.

Q. In what cases are they granted in addition to the ordinary invalid pension?

A. To men injured after a service of 15 years.

FAMILY PENSIONS.

Q. Under what circumstances are pensions granted to the heirs of Native Commissioned Officers?

A. *First*, when they are killed in action with the enemy, or die from wounds received in action within six months after being wounded; *secondly*, when they die on foreign service.

Q. Under what circumstances are pensions granted to the heirs of Native Non-Commissioned Officers and Sepoys?

A. When they are killed or die from wounds received in action, whether on foreign service or in India, or die whilst on foreign service.

Q. What are the rates of pension granted to the heirs of the Native Infantry?

<i>Rank.</i>			<i>Killed in action, &c.</i>	<i>Dying on foreign service.</i>
A.	Subadars	...	Rs. 30 0 0	Rs. 20 0 0
	Jemadars	...	" 13 13 0	" 8 8 0
	Havildars	...	" 4 8 0	" 4 8 0
	Nalcks	...	" 3 8 0	" 3 8 0
	Sepoys	...	" 2 12 0	" 2 12 0

Q. In what relation must the heir stand to the deceased to be entitled to the pension?

- | | | |
|----|--------------|------------|
| A. | 1. Son. | 4. Father. |
| | 2. Widow. | 5. Mother. |
| | 3. Daughter. | |

Q. Are the pensions granted for life?

A. They are to males above 50 years, and to females of whatever age. To males under six years of age they are continued until they attain the age of 18. To males above six years of age, and under 50 years, for 12 years.

Q. What special advantages are conferred upon the heirs of Native Commissioned Officers killed in action, or who die within six months of being wounded in action?

A. A gratuity of one year's pay of the Regimental rank of the deceased.

Q. Is the pension claimable by any heir who is in the receipt of pay or pension from the State?

A. Not if such pay or pension is equal to the authorized pay of the deceased at the time of his death. If, however, he be in receipt of pay inferior to the amount of pension authorized, the half of the pension will be allowed. If subsequently discharged, and not from misconduct, he will be entitled to the full pension, or he may relinquish the inferior and take the higher pension.

STANDING ORDERS FOR THE NATIVE INFANTRY.

COMMANDANT.

Q. What punishments has a Commanding Officer of a Regiment the power to award for light offences?

A. 1. Extra drill, with and without pack, for a period not exceeding fifteen days.

2. Restriction to Barrack limits, not exceeding fifteen days.

3. Confinement in guard or defaulter's room, not exceeding seven days.

4. Removal from staff situations or acting appointments.

5. Cleaning accoutrements of men in hospital.

6. Solitary confinement not exceeding seven days.

[G. O., G. O., 14th August 1865, p. 368.]

Q. What punishments must, in every case, be recorded in the Regimental Defaulter's Book?

A. Drill for fifteen days, or imprisonment in the quarter guard or defaulter's room or elsewhere, or solitary confinement, or restriction to Barrack limits for six days, or removal from staff appointment for misconduct.

Q. Are Acting Commandants authorized to make promotions, or to introduce changes without the concurrence of the Commandant?

A. If the Commandant is in India, they are not.

WING OFFICERS.

Q. For what are Wing Officers especially responsible to the Commanding Officers?

A. That his orders and the system of the Regiment are duly observed under all circumstances.

Q. Who is entirely responsible for the payment of the men, and for the repairs of arms and accoutrements?

A. The Wing Officer. [G. O., G. O., 20th January 1864, p. 30.]

Q. To whom may the immediate payment of Companies be entrusted?

A. To the Native Officers, but the pay must be disbursed in the presence of the Wing Officers.

Q. If a soldier appeals against a punishment awarded by the Native Officer of his Company, and it becomes necessary to set aside the Native Officer's order, what steps is the Wing Officer enjoined to take?

A. He should request the Native Officer to cancel or modify the decision himself.

Q. In what capacity do Wing Officers act on parade?

A. As Majors.

Q. If anything of a grave nature requires the notice of the Commandant, how should the Wing Officers act?

A. They should submit the case to him at orderly room.

Q. What powers have Wing Officers to punish light offences?

A. They can award extra drill not exceeding ten days, without confinement to barracks.

Q. What should Wing Officers bear in mind with regard to authority for entries in the Regimental Defaulter's Book?

A. That no punishment without the authority of the Commanding Officer should be entered therein.

Q. When commanding separate Detachments, are their powers increased?

A. They then exercise the powers of a Commanding Officer of a Regiment in the infliction of minor punishments.

Q. Are such powers absolute?

A. No, they are subject to such restrictions as may be laid down by the Commanding Officer.

Q. How are all deficiencies in the arms, accoutrements, appointments, ammunition, clothing, or necessaries of the men brought to the notice of the Commanding Officer?

A. After the weekly inspection, Wing Officers will send to the Commanding Officer, through the Quarter-Master, a report of all deficiencies, in the subjoined form:—

Weekly Inspection Report of the Wing Regiment Native Infantry taken on

Company.	Rank and Name.	Articles Deficient.	No.	Remarks.

Commanding Wing, Regiment N. I.

Q. What monies should Wing Officers send to the Commanding Officers the day after the issue of pay?

A. The balance of estates of deceased men and deserter's money.

Q. What books must be kept by Wing Officers?

- A.
1. Muster Roll and Pay Abstract Book.
 2. Acquittance Roll.
 3. Book for Record of all Offences brought before Wing Officer.
 4. Sheet Rolls.
 5. Size Rolls.
 6. Target Practice Book.

- Q. What establishment should Wing Officers keep up in each Wing.
A. One Writer, one Mistree, one Mooshee.

THE ADJUTANT.

- Q. Whose duty is it to promulgate all orders in a Regiment?
A. The Adjutant's.
Q. How is the Adjutant to ascertain that the orders are promulgated?
A. He should ascertain by personal inquiry that they are understood and obeyed by the Commissioned and Non-Commissioned Officers.
Q. Should it appear to an Officer that there is any mistake in an Order, what is his duty?
A. He is at liberty to bring it to the notice of the Adjutant or Commanding Officer, but he must not suspend its execution.
Q. Who will regulate the details of all duties in a Regiment?
A. The Adjutant.
Q. How equally should he regulate them?
A. So that they may fall as equally as possible upon all by Roster.*
Q. As a general rule, how should the Roster of Duties be kept?
A. By seniority and rotation. [M. R.
Q. When the Regiment is ordered to be under arms, what is the duty of the Adjutant?
A. To have it properly told off, and ready at the hour specified.
Q. Who should attend the morning and evening drill of Recruits?
A. The Adjutant, unless there are only a few files, when he will attend at the discretion of the Commanding Officer.
Q. When the Adjutant parades any parties for Detachment or Command, what should he particularly ascertain?
A. That the Officer proceeding in command of the party understands his orders.
Q. Who is responsible for the drill and instruction of the Native Officers?
A. The Adjutant.
Q. What reports are submitted daily by the Adjutant to the Commanding Officer?
A. A morning report of the Corps, and a report of the minor punishments awarded.
Q. In making the latter report, what particulars are necessary?
A. The names of the men punished, their companies, by whom punished, for what crime, and for what period.
Q. What examination must Recruits undergo previous to enlistment?
A. They must be examined by the Medical Officer.

* See Subadar-Major.

Q. When Recruits are posted, or Sepoys transferred from one Company to another, what is necessary?

A. Their Descriptive Roll should be sent to the Wing Officer.

Q. What Books must be kept by the Adjutant?

- | | |
|---|---|
| <p>A. 1. Long Roll.
2. Monthly Return.
3. Morning Report.
4. Casualty Roll.
5. Defaulter's Book and Minor Punishment Roll.
6. Register of Summary Trials.
7. Letter Book.
8. Recruit Roll.
9. Regimental Furlough Roll.</p> | <p>10. Regimental Order Book.
11. Division and Station Book.
12. Miscellaneous Return and Promotion Rolls.
13. History of the Regiment.
14. Character Rolls of Native Officers and Havildars.
15. Regimental Court Martial.
16. Staff Muster Roll and General State of Accounts.
17. Statement of Officers' Services.</p> |
|---|---|

Q. What power of punishment has the Adjutant?

A. He can award extra drill up to ten days.

Q. Can the Adjutant, at any time, exercise the powers of an Officer commanding a Regiment in the infliction of minor punishment?

A. When in command of a separate Detachment.

THE QUARTER-MASTER.

Q. For what is the Quarter-Master of a Native Infantry Regiment responsible?

A. For the stores belonging to the Regiment.

Q. What Returns does he prepare?

A. All indents, survey reports, and papers connected with stores of every description.

Q. On receipt of stores, what is his special duty?

A. To personally compare all articles received with the Invoice, reporting any deficiency.

Q. What report will he submit to the Commanding Officer every Monday?

A. A report of the clothing, stores, and ammunition under his charge, accounting for any difference between the present and last Return.

Q. What is the Quarter-Master's duty with reference to the Camp Equipage of the Regiment?

A. To keep it thoroughly repaired and complete in tent-pins, ready for immediate use.

Q. When a Detachment proceeds on command, with what document will he furnish the Officer commanding it?

A. With a list of all public stores sent with the Detachment.

Q. What special duty has he on the march?

A. He should precede the Regiment in sufficient time, to see that the encampment is properly laid out before the arrival of the Regiment.

Q. What scaled patterns should the Quarter-Master have lodged in his office?

A. Patterns of all Regimental equipment and necessaries.

Q. What Books does the Quarter-Master keep?

<p>A. 1. Book of Indents, Returns, and Surveys. 2. Book for Clothing and Half Mounting Accounts. 3. Putting Accounts.</p>	<p>4. Bazar Register. 5. Letter Book. 6. Sheet and Kindred Roll of Establishment. 7. Pay Abstract and Muster Roll of Establishment.</p>
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Q. How often should these Books be submitted for the Commanding Officer's inspection?

A. Quarterly.

Q. What minor punishments is the Quarter-Master authorized to award?

A. The same as the Adjutant.

WING SUBALTERNS.

Q. What is the particular vocation of the Wing Subalterns?

A. To assist the Adjutant, qualify themselves for the higher duties of the Corps, and make themselves generally useful on parade.

Q. May a Wing Subaltern be appointed to act in a higher capacity?

A. He may be appointed to act as Quarter-Master, and if a Wing be detached, he should accompany it, and perform the duties of Adjutant, without extra pay.

Q. May he be placed in command of a Detachment?

A. If the Commanding Officer think it desirable.

Q. What minor punishments are Wing Subalterns authorized to award?

A. To the extent permitted to the Adjutant.

MEDICAL OFFICER.

Q. To whom is the Medical Officer immediately responsible for proper management of the Regimental Hospital?

A. To the Commanding Officer.

Q. Through whom should all orders for the Hospital Establishment be issued?

A. Through the Medical Officer.

Q. Whose sanction is necessary for any change in the Hospital Establishment?

A. The Commanding Officer's.

- Q. How often should the Medical Officer ordinarily attend hospital?
- A. Morning and evening, and oftener, if necessary.
- Q. Where may Native Commissioned Officers be attended, when sick?
- A. At their quarters, if suitable for a sick Officer.
- Q. When the Commanding Officer inspects the hospital, who should attend?
- A. The Medical Officer.
- Q. Should the Medical Officer attend Regimental Parades?
- A. When ordered by the Commanding Officer to do so.
- Q. When the Medical Officer grants leave to convalescents, how is it reported?
- A. By the Hospital Havildar to the Adjutant, and by Orderly Havildars to Wing Officers.
- Q. From what rank should the Hospital Orderly be appointed, and how often relieved?
- A. From the Non-Commissioned Officers, and he should be relieved weekly.
- Q. In what form should the Medical Officer make his daily report of the sick?
- A. In the form of a Memorandum, giving the number of men in hospital, the cases requiring an attendant, and the names of the men admitted and discharged.

SUBADAR-MAJOR.

- Q. What assistance should the Subadar-Major afford the Adjutant?
- A. He should assist the Adjutant in all duties, and superintend all drills under his orders.
- Q. What reports should the Subadar-Major receive?
- A. All reports from Native Commissioned and Non-Commissioned Officers (excepting that of the Officers of the day) coming off duty; and anything occurring in the Companies should at once be reported to him by Orderly Havildars.
- Q. What Roster will the Subadar-Major keep?
- A. The General Roster of Duties.
- Q. What is his especial duty with reference to all orders?
- A. To promulgate them in the lines, and be careful that they are copied by Pay Havildars, and fully explained by the Orderly Havildars.
- Q. What is his particular duty with reference to all guards and picquets paraded for duty?
- A. To inspect them, and see that they are clean and properly dressed before being made over to the Adjutant or Officer of the day.
- Q. What important duty has he with reference to occurrences in the lines?
- A. To inform the Adjutant at once of every circumstance affecting the welfare or discipline of the Regiment.

- Q. What is his duty with reference to the punishment drill ?
 A. To see that men awarded punishment do not evade it.
 Q. What power has he to award minor punishments ?
 A. To the extent of four days' extra drill, subject to the approval of the Wing Officer.

NATIVE COMMISSIONED OFFICERS.

- Q. To whom do the Orderly Havildars first make their reports ?
 A. To the senior Native Officer present with the Company.
 Q. When a Sepoy is taken before the Wing Officer for the investigation of any case, who will accompany him ?
 A. The senior Native Officer of the Company ?
 Q. When on detached duty, without an European Officer, what power will the Native Officer in command exercise in awarding minor punishments ?
 A. The power of the Commanding Officer of a Regiment, subject to such restrictions as he may lay down.
 Q. How often will Native Commissioned Officers hold private inspections of their Companies ?
 A. Once a month, under the orders of the Wing Officer.
 Q. When a Non-Commissioned Officer or Sepoy dies, what is the duty of the Native Officer commanding the Company ?
 A. To take an inventory of his effects, under instructions from the Wing Officer.
 Q. What steps are then taken with reference to the estate ?
 A. The effects are sold by public auction, the accounts of the estate are made out, and due notice is given to the heir.
 Q. Is a Native Officer's responsibility limited to his own Company ?
 A. No. He should correct misbehaviour in all men of the Regiment, and bring to notice any irregularity or misconduct.
 Q. What is the duty of the Native Officer commanding the Company with reference to complaints ?
 A. To patiently hear and investigate them, and, if necessary, bring them before the Wing Officer.
 Q. If a Native Officer be ill and unable to attend parade, to whom should report be immediately made ?
 A. To the Wing Officer, Subadar-Major, and Medical Officer.
 Q. When must Native Officers commanding Companies attend orderly-room ?
 A. Whenever they have any business to transact.
 Q. What are their duties with reference to lines and huts ?
 A. To attend to their cleanliness, within and without.

Q. When men proceed on leave, what are the duties of the Native Officers commanding Companies with respect to their arms, accoutrements, clothing, &c. ?

A. To see that a list of them is taken by the Pay Havildar, and that they are deposited in the Bell of Arms.

Q. When men proceed on furlough or command, and leave any portion of their Regimental clothing or necessities behind, who is responsible that it does not sustain damage.

A. The Company Officer.

Q. When Companies fall in for drill or parade, who will tell them off ?

A. Native Officers commanding Companies.

Q. When Native Officers have occasion to check men for minor offences, what is their duty ?

A. They should at once report the same to the Wing Officer for his disposal.

Q. Have Native Officers in any case the powers of punishment ?

A. Yes, to the extent of four days' drill for carelessness on duty or parade, subject to the Wing Officer's sanction.

Q. May Native Officers make deductions from the pay of men ?

A. On no account.

Q. Who is held responsible that the men of one caste do not interfere with the prejudices of those of another ?

A. The Native Officers.

DRILL HAVILDAR AND DRILL NAICK.

Q. What Native Non-Commissioned Officer is the Adjutant's Assistant in the drill and instruction of the Recruits ?

A. The Drill Havildar.

Q. Does his position give him precedence over the other Havildars of the Regiment ?

A. No ; he ranks with them according to his standing.

Q. Under whose immediate orders is the Drill Naick ?

A. Under the orders of the Drill Havildar.

Q. What are his duties ?

A. To assist the Drill Havildar, and attend every morning at the Adjutant's office for orders.

PAY HAVILDARS.

Q. Who shall keep the Muster Rolls, Pay Abstracts, Acquittance Rolls, and copies of Regimental Orders in the vernacular ?

A. The Pay Havildars.

Q. Who should keep the Company Roster of Duty of Sepoys ?

A. The Pay Havildars.

Q. To enable them to keep these Returns, how are their duties limited ?

A. They are to take their tour of Regimental, but not of general duties or command, unless it be with their Companies.

Q. Who has charge of the arms of the Company, and how is the Return of them kept so as to distinguish them ?

A. The Pay Havildar, who keeps a Roll of the Company, showing the number of the arms allotted to each man.

Q. How are the Regimental Orders of the day communicated to the men of the Regiment ?

A. The Pay Havildars will attend daily at the appointed hour at the Subadar-Major's quarters, and copy the Regimental Orders of the day into the Company Order Book, which, after being read to the Native Officer commanding the Company, will be read at the head of the Company, at evening roll call, together with the orders, if any, of the Wing Officer.

Q. When are the men for duty warned and called to the front ?

A. After the orders have been read.

Q. How is the Regimental morning Report prepared ?

A. From Present States of the Companies furnished every morning by the Pay Havildars to the Subadar-Major.

Q. Should the Pay Havildars observe any irregularities or inattention to orders, what is their duty ?

A. To report it to the Native Officer of the Company.

Q. Do Pay Havildars take rank in virtue of their appointments ?

A. They do not.

Q. By whom are Pay Havildars assisted in their various duties ?

A. By a Koto Lance Nalik.

Q. When money is lodged in, or withdrawn from the Company Treasury chest, what record of it should be kept ?

A. A book should be kept by the Pay Havildar, in which every pecuniary transaction should be entered, and attested by the signature of both parties.

ORDERLY HAVILDARS.

Q. For what period are Orderly Havildars placed on duty ?

A. For a week.

Q. May Orderly Havildars leave their lines ?

A. No, they should be present at all hours.

Q. What are the special duties of Orderly Havildars ?

A. To take the roll call of their Companies at the hours ordered, and to report to the Company Officer and Subadar-Major the names of all absentees ; they escort all men who have to appear before the Wing Officer ; they parade the men for duty, inspect them, and march them to the Guard Mounting ; they inspect the streets of their Company lines

once or twice daily, and report their state to the Officer commanding the Company; they take all sick men to hospital; they report the arrival of any stranger in the lines of their Company to the Company Officer and to the Subadar-Major.

NON-COMMISSIONED OFFICERS.

Q. What are the particular duties of the Non-Commissioned Officers generally?

A. To be acquainted with all their duties on guard and parade; to be able to drill any Detachment; to be cognizant of all the Standing Orders of the Regiment; to show a good example, and to be exact in the performance of every duty, and clean and smart in their dress.

NATIVE OFFICER OF THE DAY.

Q. Who will march off the Guards in the morning?

A. The Native Officer of the Day.

Q. In event of any occurrence in the lines requiring the presence of an Officer, who should be first applied to?

A. The Native Officer of the day.

Q. How often should the Native Officer of the day visit the Guards?

A. At noon and at sun-set.

Q. When should the Native Officer of the day make his report to the Commanding Officer?

A. After having inspected and marched off the Night Guards.

Q. What orders should the Commanding Officer then give him?

A. He will appoint an hour for him to visit the Guards during the night.

Q. May the Native Officer of the day leave the lines of his Regiment?

A. On no account; and when absent from his quarters, he should leave word where he is to be found.

Q. What are the duties of the Native Officer of the day respecting the hospital?

A. To visit it, and ascertain by personal inquiry if the patients want anything, and that the hospital and its vicinity are clean, and free from filth.

Q. What are the duties of the Native Officer of the day respecting the lines and bazars?

A. To visit them once a day, and to see all lights put out a quarter of an hour before lattoo.

Q. If a prisoner is to be released, through whom should the order pass?

A. Through the Native Officer of the day.

Q. Should any meeting of Native Officers or others take place in or near the lines, whose duty is it to report it ?

A. The Native Officer of the day should immediately report it to the Commanding Officer.

Q. When should the Native Officer of the day report to the Commanding Officer during his tour of duty ?

A. When relieved from duty, he reports in person on the cleanliness of the lines and hospital, and on the quality of the bazar supplies.

Q. Whose duty is it to visit the Regimental School once during the day, and to report on the attendance and number of scholars ?

A. The Native Officer of the day.

Q. When the Native Officer of the day leaves his quarters, what should indicate his being on duty ?

A. He should always appear dressed in uniform and accoutred.

HOSPITAL HAVILDAR.

Q. How often is the Hospital Havildar to be relieved ?

A. Weekly.

Q. May the Hospital Havildar quit the Hospital during his tour of duty ?

A. He is expected to be present at all times.

Q. Specify the particular duties of the Hospital Havildar ?

A. To attend generally to the sick ; to see that none quit the hospital precincts without permission ; to take care that the hospital attendants are present, and afford assistance to the patients, and to attend to all orders he may receive from the Medical Officer.

Q. To whom will the Hospital Havildar report, and in what manner ?

A. He will daily report to the Adjutant and to the Subadar-Major, the occurrences of the previous day, and he will deliver to the Adjutant the Medical Officer's daily Memorandum of Sick.

DRUMMERS AND FIFERS.

Q. To whom should all matters connected with the duties of the Drummers and Fifers be referred ?

A. To the Commanding Officer.

Q. When off duty, under whose orders and authority are the Drummers and Fifers ?

A. Under the Drum or Fife-Major, whichever is senior.

Q. Has every Regiment a distinctive Regimental Bugle call ?

A. It should have.

Q. Who sounds the calls for all duties daily ?

A. A Drummer is told off for the purpose, and should always remain present at the Quarter Guard.

SEPOYS.

- Q. How should Sepoys prefer any requests they have to make ?
 A. Through the Native Officer of their Company.
 Q. May a Sepoy prefer a complaint direct to his Wing Officer ?
 A. He may, if he considers himself aggrieved by his Native Officer ; but in doing so, he will bear in mind the risk he incurs.
 Q. May a Sepoy deposit money, jewellery, or other valuable property with a Native Commissioned or Non-Commissioned Officer ?
 A. It is strictly forbidden.
 Q. By whom should all Recruits be examined in their drill before they are permitted to join the ranks ?
 A. By the Commanding Officer.
 Q. When Recruit Rolls are returned verified by District Officers, what is necessary ?
 A. The word "verified" must be entered opposite the names in the Roll.
 Q. When Recruits pass their drill and join the ranks, what is necessary ?
 A. An oath of allegiance is to be administered to them according to the Indian Articles of War.
 Q. If a stranger enters the lines on a visit to a Sepoy, what is necessary ?
 A. The Sepoy must report the circumstance to the Orderly Havildar for the Commanding Officer's sanction.

GENERAL RULES.

- Q. When disputes arise between Sepoys, how should they be submitted to the Company Officer ?
 A. Through the heads of sections and Orderly Havildars.
 Q. What are the orders concerning gambling and lotteries amongst the men ?
 A. They are strictly prohibited.
 Q. If a soldier conceives that he has cause of complaint, how should he prefer it ?
 A. To the Non-Commissioned Officer of his section, and it will be the duty of the Orderly Havildar to take him to the Company Officer, who will either redress the grievance, or report it to the Wing Officer.
 Q. When a Native soldier may have a representation to make, what opportunity should he take of doing so ?
 A. When off duty.
 Q. If any soldier or Non-Commissioned Officer finds a soldier of the Corps quarrelling in the streets, what is his duty ?
 A. To order him to his lines, and, if necessary, confine him.

Q. What are the orders relative to borrowing money from, or lending it to, one another?

A. All ranks are positively prohibited doing so, or to be engaged in any transaction which shall establish a debtor and creditor account between the parties. Complaints will not be attended to for the purpose of recovering money.

Q. May private arms be retained in the line?

A. Only by special permission.

Q. If a disturbance takes place near the lines, what is expected from the men of the Regiment?

A. To aid the Police in quelling it.

Q. What is the latest hour at which men of a Regiment may be absent from their lines?

A. Not after tattoo, without leave from the Wing Officer.

Q. May a man present with the Regiment prefer a complaint in a written form?

A. It is strictly prohibited.

Q. May a Native Commissioned or Non-Commissioned Officer commanding a guard, which is relieved daily, leave it for any purpose?

A. Only for the purpose of nature, and he will then make over charge to the next senior.

Q. May men be allowed to leave their guard for the purpose of cooking?

A. One-third of the guard only is to be absent for this purpose at the same time, and then only for two hours, and when "arms are lodged."

Q. What are the hours at which arms are lodged?

A. From 22nd March to 22nd October, between 8 A. M. and 5 P. M., from 22nd October to 22nd March, between 10 A. M. and 4 P. M.

Q. When arms are lodged, should a guard turn out to pay compliments?

A. Not unless specially ordered.

Q. What are the hours at which watch-setting sounds?

A. From 1st May to 30th September at 9-30 P. M. and from 1st October to 30th April at 9 P. M.

Q. What is the duty of Guards with regard to the stores and property of Government not actually delivered into their charge?

A. To protect such as far as may be in their power.

Q. What are the orders relative to the soldier-like bearing of Sentries when on their posts?

A. They are never to rest their arms against trees or walls, and they are on no account to enter into conversation with passengers or others, or to walk in a sauntering lounging manner--their pace should be the usual quick step.

Q. What orders should be written both in English and in the Vernacular, and hung up in the Guard-room?

A. The orders for each particular Guard and the rules respecting the honors and compliments to be paid to Officers of different ranks, and to parties under arms.

Q. Should Guards be furnished with a lamp at night?

A. Yes; particularly if entrusted with the custody of prisoners.

Q. What are the orders regarding the appearance of the men when off duty?

A. They are not to be permitted to assume the appearance of fakirs in dress, or in person; nor to paint their faces, or wear any marks whatever on the face, when on duty.

Q. May men on orderly duty be permitted to carry a ramrod?

A. It is strictly prohibited; they must appear with side-arms.

Q. How are Guards' rooms provided with cots?

A. Regimentally. The habit of Soldiers carrying about charpoys is prohibited.

ORDERLY ROOM.

Q. How, when, and where is Orderly Room to be held?

A. At such time and place and in such a dress as the Commanding Officer may direct in Regimental Orders.

Q. When should Wing Officers attend Orderly Room?

A. When they have any matter beyond their cognizance and authority to bring before the Commanding Officer.

Q. What general duties are conducted at Orderly Room?

A. All reports are made, all orders issued, and the current business of the Regiment carried on.

AMMUNITION.

Q. In whose presence should all issues of ammunition from the Regimental Magazine be made?

A. In the presence of an Officer.

Q. When blank ammunition is to be served out to the men, what precautions are necessary?

A. All ball'd cartridge and caps must be left in the Lines, and the men must parade with empty pouches.

Q. What is done with the ammunition of men who go into hospital?

A. It is kept in the Bells of Arms until they return to their duty.

Q. How often should stock be taken of the Magazine Stores, and by whom?

A. On the 1st January and 1st July of each year, and by an European Officer.

Q. What measures must be taken for the preservation of the ammunition ?

A. It must be constantly aired, and the boxes must be kept on trestles.

Q. How often should the Commanding Officer inspect the Magazine ?

A. At least once a month.

Q. If men lose or injure their ammunition through carelessness or neglect, to what are they liable ?

A. To have the cost deducted from their pay.

Q. What must Regiments in relief do with their ammunition ?

A. Deliver it over to the relieving Regiment.

Q. What must be done with rejected or surplus stores or ammunition ?

A. It must be transmitted to the nearest Magazine.

Q. When a Wing is permanently detached, with what Service and Practice Ammunition must it be furnished ?

A. With its full complement.

Q. When Detachments return from command or escort, what must they do with any excess ammunition ?

A. Return it into Store, or account for its expenditure.

Q. May blank ammunition be served out to the men at their native festivals ?

A. On no account.

Books.

Q. What entries are made in the Regimental Defaulters' Roll, and by whom and where is it kept ?

A. It will contain all punishments for serious offences as awarded by the Commanding Officer. The entry is made at Orderly Room, either by the Commanding Officer or Adjutant, and is then made known to the parties concerned.

Q. What entries are made in the minor punishment book, and by whom is it kept ?

A. It will contain all punishments awarded for light offences, and is kept by the Adjutant.

Q. Is it also kept in the Vernacular ?

A. Yes ; Native Officers Commanding Companies also keep a Company Defaulter Book.

Q. When are the names of newly-enlisted men to be entered into the Regimental Long Roll ?

A. When the Rolls have been verified by District Officers, and the men shall have joined the ranks.

Q. What must be entered opposite the names of all Recruits entertained ?

A. The Medical Officer's signature as to physical fitness.

Q. How must Kindred Rolls be kept?

A. In strict accordance with the Rules laid down in the Military Regulations.

Q. How often should they be revised?

A. Not less than once a year. But a man wishing to make any alteration can do so at any time.

Q. What entries are made in the Character Roll of Native Commissioned and Non-Commissioned Officers, and by whom?

A. The character and services of each Native Commissioned and Non-Commissioned Officer. These entries should be made by the Commanding Officer, and be dated and signed by him.

Q. When an Officer who has commanded a Regiment a sufficient time to become acquainted with the character of his Commissioned and Non-Commissioned Officers is about to quit his command, what is required of him with reference to this Character Book?

A. That he should go through the book, and confirm, amend, or add to each man's record as may be required.

CLOTHING.

Q. How many Cloth Coats should every man have?

A. Two, which can be managed with care.

Q. To ensure, as far as possible, the Coats being made up to fit the men, what is necessary?

A. The Wing Officers must measure their men and forward Company Indents to the Quarter-Master, detailing the number of Coats required, and the different sizes, and he will prepare a general one for the Regiment.

Q. On receipt of the Clothing from the Clothing Agent, what is necessary?

A. A Committee will carefully examine it, and ascertain whether it corresponds with the Indent.

Q. Should it not correspond with the Indent, or should it in any respect prove objectionable, what is done?

A. A copy of the Survey Report is to be transmitted to Headquarters.

Q. On receipt and approval of the Clothing, how is it issued to the Regiment?

A. Wing Officers must send a receipt for the number of Coats (or Pantaloon) required for each Company, specifying the sizes to the Quarter-Masters, who will serve out the Coats in conformity therewith.

Q. May men be allowed to sleep in their cloth clothing, when off duty, in the cold weather?

A. It is to be strictly prohibited.

Q. When summer clothing is in wear, what steps are taken for the preservation of the cloth clothing?

A. It is neatly packed and lodged in the Bells of Arms, and the Pay Havildar, who is responsible for it, will see it aired occasionally.

Q. How often is cloth clothing provided by Government to Soldiers of the Native Infantry?

A. A Coat and a pair of Trowsers biennially,—that is, alternately each year.

HALF MOUNTING.

Q. Whose duty is it to see that the men of a Native Regiment are properly provided with articles of Half Mounting at a cheap rate, and of good material and workmanship?

A. The Commanding Officers, through the agency of the Quarter-Masters.

Q. Under what authority are stoppages for Half Mounting to be made?

A. Under the authority of Regimental Orders.

Q. What record is kept of the amount stopped from each man?

A. It is to be entered in the Assuittance Roll of Companies.

Q. What is the maximum sum that may be deducted from any one man in one year on account of Half Mounting?

A. Five Rupees.

Q. When articles of Half Mounting are required, the expense of which will exceed this sum, what is done?

A. Their preparation must be deferred until the ensuing year.

Q. Is the restriction of Rs. 5 applicable to men who lose or destroy their accoutrements or clothing?

A. It is not.

Q. Is the limitation of expense intended to apply to the first equipment of a Recruit?

A. Such equipment is limited to eighteen rupees, to be deducted by monthly instalments of three rupees, commencing from the second month's full pay.

Q. How does the Quarter-Master know what Half Mounting to prepare for the Recruits?

A. The Adjutant, on the 1st of each month, will furnish him with a memorandum of the number of Recruits entertained during the preceding month.

Q. When is it necessary that application be made for sanction of the Commander-in-Chief, for the preparation of Half Mounting?

A. Whenever Caps, Turbans, Great Coats, or Havresacks, are required for the Regiments.

Q. Before articles of Half Mounting are served out to a Regiment, what is necessary ?

A. They must be surveyed by a Regimental Committee.

Q. When any Sepoy neglects to keep up his Half Mounting, what stoppages may he be put under ?

A. Not exceeding two rupees a month, when stationary ; and one rupee a month, when marching.

REGIMENTAL NECESSARIES.

Q. What regimental necessities must every man be furnished with ?

A. Two suits of light Clothing, two pairs of Shoes or Boots, one Havresack, one Turban or Cap, one Durree, two suits of Native Clothing, one Great Coat or Ohoga, with straps.

Q. What articles should every Sepoy be habituated to carry, when marching ?

A. One Great Coat and one Havresack.

Q. When marching, what should the Havresack contain ?

A. Such food as the Sepoy may require, together with such clothing and necessities as the Commanding Officer may consider expedient.

COOKING.

Q. Where should the cooking in a Native Regiment take place ?

A. Not in the huts or barracks, but in places appointed for the purpose.

Q. Of what description and weight should the cooking utensils of a Native Regiment be ?

A. Of an established pattern ; for Non-Commissioned Officers, 4½ seers ; for Sepoys, 3½ seers.

BAZARS.

Q. In whom is the management of the Regimental Bazar vested ?

A. In the Quarter-Master.

Q. How many Bunniahs should there be in a Native Regiment ?

A. One to each Company, and he should accompany it whenever it may be detached.

Q. What profit are the Bunniahs allowed to receive ?

A. Not more than one anna in the rupee, and not less than six pie in the rupee, to be settled by the Commanding Officer, from time to time.

Q. What other tradesmen should be encouraged to settle in the Regimental Bazar ?

A. Butchers, vegetable-sellers, tobaccoists, &c.

Q. Will these be entitled to receive percentage ?

A. No.

Q. What class of tradesmen are prohibited ?

A. Shroffs and money-lenders.

Q. What are the duties of the Bazar Chowdry ?

A. He is held responsible for the correctness of the weights, and of the price currents, the goodness and quality of all supplies, and the cleanliness of the Bazar and its vicinities.

Q. What supervision is exercised to ensure the Bunniah selling good supplies ?

A. Samples of the supplies are taken at random from the shops every morning, and shown by the Chowdry to the Company Officer, for report to the Commanding Officer.

Q. If any be disapproved, what is then done ?

A. The stock from which it was taken is impounded, and if finally confiscated, it is to be sold if fit for use, and the amount realised to be placed to the credit of the Fine Fund.

Q. Who is responsible that no one be permitted to settle in the Bazar without the Commanding Officer's sanction ?

A. The Chowdry.

Q. In order to place difficulties in the way of men obtaining money, into what bond should the Chowdry and Bunniah be required to enter ?

A. Into an agreement on stamped paper, binding themselves not to lend money to any Commissioned, Non-Commissioned Officer, or Sepoy.

Q. How often should a price current be published in the Bazar, and with what object ?

A. Daily, by which the monthly price currents are regulated, and all credit accounts are adjusted thereby.

Q. What should be required of men proceeding on furlough or leave of absence, with reference to their Bazar accounts ?

A. To settle their accounts before leaving.

Q. How should the Bazar weights be tested from time to time ?

A. By Government standard weights kept for the purpose.

Q. On arriving at new quarters, what notice is to be given in all Bazars ?

A. That the dealers are not to give credit to the men of the Corps, beyond the amount of half their pay, and not even to that extent without the condition of their accounts being settled and paid on the issue of pay for the month or months for which such debts have been contracted.

Q. Are the Regimental Bunniah allowed to give credit ?

A. Not to any one borne on the Rolls of the Regiment beyond half his pay, and that only for the month for which pay is due.

Q. What steps should be taken to prevent the Bunniah giving credit ?

A. No claims of older dates, over and above half the month's pay, should be attended to, and the Bunniah should give a receipt in full of all demands every pay-day.

Q. When should the men make up their accounts with the Bunniah ?

A. Between the 1st and 10th of every month.

Q. How are disputed claims adjusted ?

A. They will be brought by the Company Officer before a Committee composed of the Subadar-Major and two Native Officers, formed monthly for the purpose.

Q. In case of this Committee being unable to come to a decision, what is then done ?

A. The case will be referred to the Commanding Officer by the Wing Officer, for final settlement.

ENCAMPMENTS.

Q. What time of previous notice should be given to every Civil Officer through whose District Troops are to pass ?

A. At least a fortnight. [G. O. C. C., 3rd October, 1864.

Q. What distinct information should be afforded to such Civil Authorities ?

A. The date upon which carriage will be necessary.

Q. What should the attention of all Officers be particularly given to on the line of march ?

A. To check oppression towards the villagers, and prevent injury to the crops.

Q. How should Camp followers who infringe the regulations be dealt with ?

A. They should be brought before the Commanding Officer to be summarily dealt with.

Q. Who will precede the daily march of the Regiment to mark out the ground, and to see that the supplies indented for are duly collected ?

A. The Camp-color men and the Russud Guard.

Q. Who is responsible for the conduct of the Camp followers who precede the Regiment ?

A. The Russud Guard.

Q. What measures will be taken to prevent nuisance, and injury to crops in the vicinity of a Camp.

A. Running Sentries will be posted on the flanks of the Camp all day—until the Picquets are thrown out.

Q. What precautions should be observed to keep thieves out of Camp ?

A. Any one leaving Camp after dark must be required to give his name both going and returning; failing to do so, he should be made a prisoner.

Q. Between what hours is all noise or movement in Camp prohibited ?

A. Between the Retreat and the first Bugle.

Q. What is the especial duty of the Quarter-Master before the Regiment moves off the encamping ground ?

A. To ascertain that all supplies have been paid for, and receipts taken.

Q. What is the special duty of the Rear Guard ?

A. To examine the ground after the Regiment has marched, in order to see that nothing has been left behind. Also to prevent baggage falling in rear on the line of march.

Q. How are sick prisoners brought on ?

A. Under charge of the Hospital Guard.

FURLOUGH.

Q. How are men who are newly entertained, or received as transfers, placed on the furlough register ?

A. With the men receiving furlough that year.

Q. Explain how ?

A. If entertained before or whilst furlough is open, they will stand above the furlough men of the year ; if after, they will stand below them,—i. e., next for furlough.

Q. What measures will the Commanding Officer take to ensure perfect justice in the distribution of furloughs ?

A. Early in the year the names of the men for furlough will be submitted to him for approval at Orderly Room, and this list will be notified to the Regiment, and will remain open till the furlough takes place, in order that any man who may consider himself entitled to furlough may have an opportunity of submitting his claim to the Commanding Officer ?

Q. Are exchanges of furlough allowed ?

A. They are, with the sanction of the Commanding Officer ?

Q. If a man declines to take his furlough when entitled to it, how does he stand for furlough the next year ?

A. He stands first on the Roll.

Q. Does leave on Medical Certificate count as a furlough ?

A. It does.

Q. When men who proceed on furlough are permitted to take arms with them, what is necessary ?

A. That the arms should be detailed on the back of the Leave Certificate, both in English and Persian.

Q. What are men to be reminded of before proceeding on leave ?

A. Of the penalties of overstaying their leave, and of the necessity of giving due notice in case of sickness preventing them from rejoining by the expiration of their furlough.

Q. How are men to be dealt with who do not furnish proper reasons for their absence?

A. At the expiration of two months' absence, they will be struck off the strength of the Corps, and will be dealt with according to the 114th Article of War.

Q. If furlough falls to a Native Officer whilst under suspension, does he forfeit the same?

A. Yes, because not being effective, he can visit his home.

Q. In event of furlough falling to a man in confinement, how is he placed on the Roll?

A. At the head of the furlough register for the ensuing year.

Q. If a Non-Commissioned Officer be reduced to the ranks, what effect has it upon his tour for furlough?

A. He will carry his year of furlough into the Sepoy list, and be placed at the bottom of that year's Roll.

Q. When men are promoted, what effect has it upon their tour for furlough?

A. They carry their year of furlough into their new grade, and stand at the bottom of the list of that year.

DISCHARGES AND DISMISSAL.

Q. In what way must a Native Officer, who is desirous of discharge, obtain the same?

A. By application for the sanction of Government through the Adjutant-General.

Q. After what period of service is a Non-Commissioned Officer or Soldier entitled to discharge in time of peace?

A. After three years' service, provided his Company is not ten men short of its complement.

Q. Can such an application be entertained if the Corps be in expectation of service?

A. On no account.

Q. What should be done with a Recruit who is obviously unlikely to become a smart Soldier?

A. The Commanding Officer should discharge him.

Q. What is enjoined upon Officers Commanding Native Infantry Regiments in respect to granting discharges to men entitled to claim the same?

A. To place no impediment in the way of granting them.

Q. How are men of short service who are recommended for discharge on account of physical unfitness to be dealt with?

A. They shall be brought before the annual Invaliding Committee (if it is about to assemble), their names being entered in Rolls distinct from those recommended for transfer to the Pension Establishment.

Q. If a Sepoy becomes unfit for Military duty subsequent to the sitting of the annual Invaliding Committee, how should his case be dealt with?

A. The Commanding Officer of his Regiment will report the matter to the General Officer Commanding the Division or District under whose orders a special Medical Committee must be convened for the purpose of disposing of the case.

Q. Should a Regiment be serving at a station where a Committee of Medical Officers cannot conveniently be assembled, how are such cases disposed of?

A. The Commanding Officer of the Corps is empowered to dispose summarily of the cases of men pronounced physically unfit for the service by the Regimental Surgeon.

Q. Before directing the discharge of such men, what document should the Commanding Officer obtain from the Medical Officer of the Regiment?

A. His written opinion that the Soldier concerned is physically unfit for his duty, and is not likely to become fit, from treatment in Hospital, change of air, or sick leave, and that he is not a malingeringer.

Q. What is done with this certificate?

A. It will be attached to the Monthly Return sent to superior authority, together with a copy of the certificate of the Medical Officer on which the discharge was directed, and a statement of the periods during which the man has been incapacitated for duty during the two preceding years, and his general character. [G. O., No. 907 of 1861]

Q. Under what circumstances, and to what extent, are gratuities allowed to men on discharge?

A. To men discharged for physical unfitness, if above five years' and under ten years' service Rs. (21) twenty-one, or three months' pay; if above ten and under fourteen years' service, Rs. (42) forty-two, or equal to six months' pay.

Q. By whom are cases of men of short service disposed of?

A. They should be disposed of at once by the Officer under whose orders the Medical Committee is convened.

Q. Are men who have performed fourteen years' service, and who then become incapacitated for duty, to be dealt with as short-service men?

A. No. They should be allowed to complete the service qualifying for pension, unless under exceptional circumstances.

[No. 121, S. O., 30th June, 1866.]

Q. In the cases of Native Officers of short service, whose removal is desirable on grounds of physical unfitness, what course is necessary?

A. The Medical Officer's certificate required by para. 5 of G. O., No. 907 of 1861, must be forwarded to Army Head-Quarters, for the decision of Government.

ADDENDA, M. R.

Q. When applications are made for the discharge of men on the ground of bad character, with what document are they invariably to be accompanied?

A. With a Descriptive Roll in duplicate, containing a full account of the general character of the individual, a specification of the instances of misconduct, and a statement of his services in the field, or if none, an entry to this effect.

Q. When Native Soldiers are directed to be discharged with ignominy, how are they to be removed from the Service?

A. Under a similar process of degradation to that prescribed for European Soldiers.

Q. In all cases of discharge of men by the authority of the Commander-in-Chief, what must be entered in the discharge certificate?

A. The number and date of the communication conveying the authority for the same.

Q. When men are discharged by sentence of a Court-Martial, what must be entered in the discharge certificate?

A. The nature of the offence, and the circumstance of the individual having been found guilty.

MILITARY RECONNOISSANCE.

Q. What is the object of a reconnoissance?

A. To ascertain the nature and practicability of a country for purposes either of attack or defence.

Q. In making a reconnoissance, what objects should be particularly noted?

A. 1.—The Roads and Passes. 2.—The Rivers, Canals, Streams, and Rivulets. 3.—The Bridges and Fords. 4.—The Mountains, Hills, Valleys, and Defiles. 5.—Towns, Villages, Hamlets, &c. 6.—Forests, Woods, Hedges, &c. 7.—Entrenchments, Camps, and Positions.

Q. What points should be attended to in the reconnoissance of roads?

A. Their direction and width, the distance in hours of march from place to place, and, if possible, in miles. Their condition and construction, the ascents and descents, and delay likely to result therefrom on a march, whether at all times practicable, and for what description of Troops; whether commanded by heights. The description of vehicles (and length of their axles) used on the roads and in the country.

Q. In reporting upon Rivers, or water communication of any sort, what should be observed?

A. Whence it flows and whither it runs; the nature of the country through which its course lies; the quality of its water; its breadth and depth; rapidity of current; its bottom, whether mud, sand, or gravel; whether obstructed by rocks; the periods of the rise and fall of its waters; and extent of inundations, if any; the banks, the different degrees of their height and slopes; the number of boats to be procured, their form and size, and the number of men, horses, guns, &c., they could transport. If confined to one stream or forming islands, the size of these islands, and whether they are inhabited, cultivated, or covered with wood.

Q. In reporting upon Bridges,* what should be noted?

A. Whether of stone or wood; if any can bear artillery, their breadth and the roads which lead to them; which of the banks in the vicinity commands the other; and whether by a retrenchment, or otherwise, they can be secured from attack; also whether they could be easily destroyed.

Q. In reporting upon Fords, what should be observed?

A. Their situation; the tracks or marks which indicate them; their bottom, whether mud, sand, or gravel; obstructed by rocks, or free from obstacles; their length and breadth; the depth of water, and whether subject to sudden rises, so as to become impracticable.

* The proper sites for Batteries for the protection of a Bridge are the most salient points of the banks. Care must be taken that these points are not commanded from any spot on the opposite bank, and are not exposed to be taken in reverse.



Q. In the reconnoissance of Mountains, what are the points to be examined and reported upon?

A. Their position, isolated or forming part of a range or chain; their slopes on both sides; the points most important to occupy, their crests and summits; the necks or links connecting them with others; the routes, bye-ways, paths, tracks, and passes; in short, every way of gaining their summits, and traversing them in all directions; the form of each mountain, whether crested or table; if cavalry or artillery can act upon it, or infantry alone; covered with wood, or barren, rocky, &c.; the small streams, the meadows, the forage; the towns, villages, hamlets, farms; the positions suitable for camp; the period at which the passes are open, or impracticable from snow.

Q. In reporting upon Hills, what should be noticed?

A. The extent to which they are wooded, and the roads which intersect them, and the highest points from which a great extent of country can be seen.

Q. In reporting upon the Valleys, what points should be noticed?

A. Their extent, whether inhabited, cultivated, wooded, intersected by ravines, rivers, streams, &c.; if there is danger of being taken at disadvantage by the enemy.

Q. In reporting upon the Defiles, what points should be noticed?

A. Their extent; their direction running in a straight line, or winding; the time necessary to traverse them; the extent of front for cavalry and infantry with which they can be passed; the routes along the flanks and rear of the Defiles practicable for cavalry, infantry, artillery, and convoys, and the most favorable position to occupy or protect the passage.

Q. What are the principal points to be attended to in reporting on a Town, Village, or Hamlet?

A. Its situation, whether on a hill or in a valley; whether open or enclosed by a wall; whether commanded by heights; the ditches, whether wet or dry, and their breadth and depth; and whether water can be let into them; what kind of fences enclose the gardens and orchards, and what accommodation there is for Troops. Detached farms should be carefully examined, especially in reference to their military position.

Q. What are the principal objects of examination in reconnoitering Forests or woods?

A. Their situation and extent; the kind of trees, whether lofty or copsewood; whether open, close, or entangled; whether they can be turned; whether on level, mountainous, undulating, or broken ground; and the parts of forests which are impassable save by the roads, and those which are open and practicable.

Q. In reporting on a position for encamping an Army, what points must be attended to?

A. That it is not commanded in any part, nor liable to be turned; that the guns should cover and command the surrounding country;

that the communications between all parts and with the rear should be easy by means of roads or otherwise; and that there should be an abundant supply of water at hand, as also of wood for fuel and hutting the Troops.

Q. Give the Committee a report of a reconnoissance from ——— (place) to ——— (place).

The following Memo. for reporting upon routes is taken from Colonel Jackson's *Treatise on Military Surveying*, and is such as any intelligent Officer who may have had the advantage of a military education should be competent to make:—

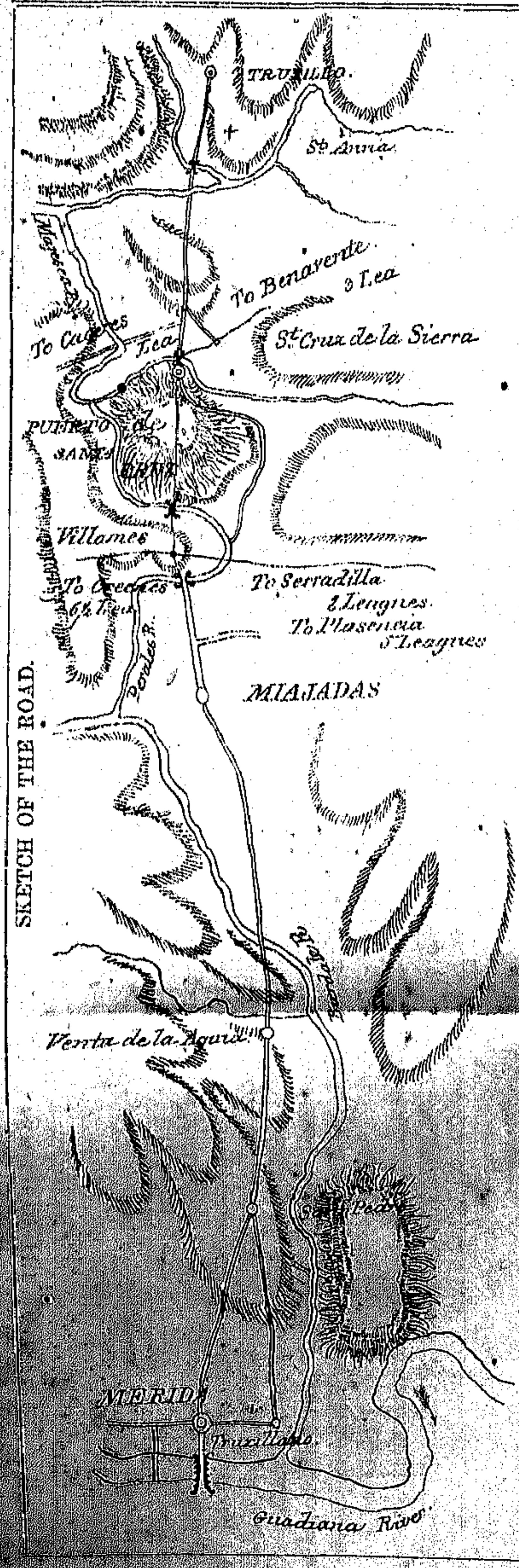
"The sketch to accompany such a Report can have no pretension to accuracy of delineation, and is only intended to assist the "observations," by indicating points where streams are crossed, branch roads "turn off, or where the ground on either side of the road is hilly "or flat; but all distances along the road must be given with as much "accuracy as possible. A few bearings taken with a prismatic compass "will suffice to give the general direction of the road, and the distances "along it may be measured by the paces of a horse or otherwise. It "may prove useful to make occasionally an outline sketch of any "remarkable hills, or other conspicuous objects, as they appear from "particular points, noting the bearings by compass. The length of an "ordinary march can thus be measured, and the ground on each side of "the road roughly sketched, in the course of a few hours.

"A few sheets of foolscap paper form a convenient sketch-book, "especially when folded like an official letter; the distance between each "fold may then be considered as 3, 4, or 5 miles, according to circum- "stances. The width of the paper affords sufficient space for tracing the "road, roughly sketching the hills right and left, and noting the necessary "observations. The officer may afterwards, when at leisure, prepare his "sketch and report according to the annexed form."

RECONNOITERING FORM

Report on the Road from Truxillo to Merida, Reconnoitred on the 1st of May, 1809.

PLACES ON THE ROAD AND NEAR TO IT.	DISTANCES.		ACCOMMODATION.					OBSERVATIONS.
	Inter-mediate.	Total.	No. of Houses.	Permanent Quarters.		On a March.		
				Men.	Horses.	Men.	Horses.	
Leagues.								
1. TRUXILLO ... ..	...	...	450	1200	800	6000	600	1. Truxillo is a large town, with two good convents, &c., &c.; situation elevated, inhabitants healthy; water may be procured of a good quality, and in abundance, from the fountains in the town.
2. Santa Anna	$\frac{1}{4}$	...	...	...	...	...	...	2. Santa Anna, a chapel about three miles from Truxillo, and three-quarters of a mile to the left of the road.
3. Rivulet	$\frac{1}{2}$	...	...	...	...	...	...	3. Pass a rivulet by a stone bridge.
4. Rivulet	$\frac{1}{2}$	...	...	...	...	...	...	4. Rivulet always fordable; average depth in summer, one foot and a-half; gravelly bottom; low banks.
5. Bad road commences	$1\frac{1}{2}$	...	...	...	...	...	...	5. Deep sandy road for two miles, and difficult for artillery.
6. Santa Cruz de la Sierra	$\frac{1}{2}$	...	120	...	...	800	150	6. Santa Cruz de la Sierra (a quarter of a mile to the left of the road) is composed of tolerably good houses; the river Perales, which runs close to it, always affords water; the situation is elevated, and the inhabitants healthy. From Santa Cruz there is a road to Carceres, seven leagues, practicable for artillery. Near to Santa Cruz de la Sierra, at a convenient distance from the river, is a wood of evergreen oak, which affords the materials for hutting 20,000 men. The situation is very elevated, healthy, and in every respect eligible.
7. PUERTO DE SANTA CRUZ	$\frac{1}{2}$	4	200	...	...	1200	280	7. Puerto de Santa Cruz is a better village than Santa Cruz de la Sierra. The houses are larger and streets wider. The situation, however, is low and marshy, and the inhabitants unhealthy, which renders it unfit for permanent quarters. The road from Truxillo to Puerto de Santa Cruz is generally very good, and is practicable for artillery, excepting the two miles already described (see 5). The soil is gravel, and there is but little cultivation, except in the vicinity of the towns and villages. The chief produce is rye. There is an abundance of cattle—viz., sheep, bullocks, pigs, and goats—in this route.
8. Perales River	2	...	...	...	...	...	...	8. At one league and a-half from Puerto de Santa Cruz, you pass the Perales river, by a stone bridge, and half a league farther brings you to Villames; but this road is impracticable, in consequence of the hill which lies between Puerto de Santa Cruz and the Perales river being very steep and intersected with rocks, the turnings of the road too sharp and too narrow for the axle-trees of the carriages of our guns. The banks of the river are likewise extremely difficult for artillery, being precipitous and rocky. The whole of this may, however, be avoided, by taking the direction as represented in the Sketch. You then pass over a level country, with a hard gravelly bottom, and cross the Perales river by a good and safe ford, always practicable; the distance is only increased half a mile—viz., from Puerto de Santa Cruz to Perales river, two leagues; to Villames, half a league. This new road has been pointed out to the Juiz de Fora of Puerto de Santa Cruz, and men have been instructed to serve as guides.
9. Villames	$\frac{1}{2}$	...	60	...	...	300	20	9. Villames is a very poor village, &c., and only to be resorted to on an emergency. A road to Serradilla, two leagues.
10. Perales River	$\frac{1}{4}$	...	...	...	...	...	...	10. You again cross the Perales river, by a good wooden bridge.
11. Road to Plasencia	$\frac{1}{4}$	...	...	...	...	...	...	11. Road to Plasencia, to the left, five leagues distant; very good.
12. MIJADAS	1	4	800	800	200	3600	260	12. Mijadas is a well-built village, &c. The situation and water good; inhabitants healthy. There is a convent of Benedictines, which is capable of containing 200 men. The produce is chiefly rye; there is, however, some wheat. Wood and forage must be brought from Plasencia. There is a large olive wood about two miles to the right of the road, near to a small rivulet, which has always plenty of water. This olive wood is capable of sheltering 15,000 men. It is, however, nearly surrounded with hills, which prevent the free circulation of the air; and if the troops remain long here, it is probable that fevers would prevail.
13. Burdalo River	$2\frac{1}{2}$	...	...	...	...	...	...	13. The banks of the Burdalo river are very steep and difficult of ascent and descent; the current rapid; the bottom gravelly; its depth in winter, three feet and a-half; in summer, one foot and a-half. There is a strong position behind this river, a separate report on which, and a Sketch, accompany this.
14. Another Branch	$\frac{1}{2}$	...	...	...	...	...	...	14. Another branch of the Burdalo river—the road descends to it by a gradual slope; but the ascent on the other side is difficult for artillery, but practicable.
15. Venta de la Agua	$\frac{1}{4}$	...	1	100	200	200	200	15. Venta de la Agua is a large inn. The proximity of excellent water and the abundance of barley make this inn a very desirable quarter for cavalry.
16. San Pedro	$1\frac{1}{4}$	...	80	...	...	300	25	16. San Pedro is a very poor village, and only to be used in a case of necessity.
17. MERIDA	2	7	900	2500	600	7000	1000	17. Merida is a large, well-built town, &c., &c., &c.
18. Meridano	2	...	10	...	...	100	...	18. The direct road to Merida is frequently rendered impassable from the rains; when you may move artillery by Truxillano; this road is always passable, and only two miles round.
19. Ford of Guadiana River	$\frac{1}{2}$	...	...	...	...	...	...	19. Guadiana river. This large river has a bridge across it of masonry, with six arches. From the first week in July to the beginning of December, this river is fordable in many places. Its general breadth, in its course from Merida to Badajoz, is 130 feet; its bottom gravel. There is a ferry-boat which plies during the winter, at two miles above the bridge. This boat is capable of containing 50 men, or 6 horses and 20 men. 1,000 men may be conveyed across in 2 hours and 40 minutes. At the distance of a quarter of a mile from the right bank of the river, wood may be obtained for forming a flying bridge, and workmen and tools may be procured at Merida. The current of the Guadiana river in winter is very rapid; in summer, slow, and nearly stagnate in some places.



LEAVE RULES FOR MILITARY OFFICERS.

Modified and Sanctioned by the Secretary of State.

No. 1064 of 1868.—The right Hon'ble the Secretary of State for India having with certain modifications approved generally of the rules relative to the absence on leave of Military Officers, published in Government General Order No. 613, dated 19th June, 1868, the following revised rules are published in substitution of those contained in the order above referred to :—

These rules will be applicable to all Officers who may elect to adopt them belonging to the several Indian Staff Corps or to the Indian Army, and in regard to the period of leave of absence during which appointments may be held, and in regard to the increased allowances they will also be applicable to Officers of the Royal Artillery and Royal Engineers, late of the Indian Army, holding permanent staff appointments not of a regimental nature.

The question of the application of these rules to the Officers generally of Her Majesty's British Forces serving in India is still under the consideration of Her Majesty's Government.

To obviate confusion or misconception as to the rules referred to, those previously in existence and those now sanctioned will be severally designated as the Furlough Rules of 1796 of 1854, or of 1868.

The term "Furlough Pay" having now a changed and two-fold signification, in all future orders and reference "Furlough Pay" will be understood as the half Indian salary within the prescribed limits, specified in paragraph V of these rules, converted at exchange of 2 shillings for the rupee, whilst "English Furlough Pay" will represent the rates heretofore allowed to the several grades, as English pay, under the rules of 1796 and 1854.

I.—The distinction with respect to allowances hitherto drawn between furlough on private affairs and sick leave is abolished, both kinds of leave being included under the general term *furlough*; provision, however, being made for the obtainment of furlough under medical certificate, without all the restrictions applicable to furlough when taken without medical certificate.

II.—Leave taken under the rules now prescribed will not involve forfeiture of appointment, except in the cases herein specially provided for.

III.—The rules now prescribed do not affect the provisions of Act XXXIII of George III, Chapter 52, Section 70; but an absentee cannot retain his appointment and draw absentee allowances, except under the

rules now prescribed; * nor do they affect the regulations by which General Officers Commanding Divisions and Brigades can only obtain limited periods of leave without forfeiting their commands.

[V.—Leave of absence will, in future, be of three kinds, viz:—

- 1.—Furlough in or out of India.
- 2.—General leave on private affairs or sick certificate in India, or short leave to Sea.
- 3.—Privilege leave.

CHAPTER I.

Furlough.

V.—An Officer drawing staff pay in addition to pay of rank, proceeding on furlough, will be allowed pay at the rate of 50 per cent. of the salary of his substantive office. But an Officer in civil employ and drawing consolidated salary, will be allowed 50 per cent. of the average salary drawn by him for three years prior to his proceeding on furlough.†

No absentee shall, in either case, draw more than £1,200 or less than £250 per annum. The term salary will signify the total amount drawn by an Officer, whether as consolidated pay or staff allowances in addition to pay, but will not include any extra or special allowances. It is to be clearly understood that an Officer absent on furlough, who may be transferred to another office during his absence, shall be entitled for the entire period of his furlough, to pay at the rate sanctioned to him when leaving India, provided that an Officer whose term of office shall lapse during his furlough, shall cease to draw his half staff salary from the date of such lapse. An Officer will also be entitled to the benefit of his promotion to a higher Staff Corps or regimental rank whilst on furlough, subject to the maximum limit.

* The section referred to is quoted below:

Section 70. —“And be it further enacted, that no person who shall have held any civil or military station whatever in *India*, in the service of the said United Company, being under the rank or degree of a Member of Council of Command or Chief of the Forces, and who having departed from *India* by leave of the Governor General in Council, shall not return to *India* within the space of five years next after such departure, shall be entitled to any rank or re-creation of office, or be capable of again serving in *India*, either in the *European* or *Native* Corps of Troops, or in the civil line of the Company's service, unless in the case of any Civil Servant of the Company, it shall be proved to the satisfaction of the Court of Directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to *India* by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in General Court, specially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in *The London Gazette*, or unless in the case of any Military Officer, it shall be proved to the satisfaction of the said Court of Directors and the Board of Commissioners for the affairs of *India*, that such absence was occasioned by sickness or infirmity, or some inevitable accident.”

† In the case of an Officer who may be granted furlough on medical certificate before he has completed three years' actual service in India, the average will be taken of the salary drawn during the period of his actual service. G. O. G. C., No. 181 of 15th February 1860.

In the case of Military Officers in civil employ on consolidated salaries, the military allowances which have been drawn by such Officers shall not be held to be special or extra allowances, but shall be taken into account as part of the salary on the average of which their furlough allowances are calculated under Rule V, G. O. G. C., No. 539 of 10th May, 1860.

Officers not in staff employ will receive half the Indian pay of their rank, provided that in no case will an Officer entitled to furlough receive less than the above minimum of £250 per annum.

Note.—Officers who may be entitled to income allowance from the Military Fund during absence in Europe, will draw their half salary or minimum absentee allowance under the foregoing clause, subject to a deduction equivalent to the amount of such income allowance.

VI.—All grants of furlough on private affairs are subject to the exigencies of the public service, of which exigency the Government is to be exclusively the judge, and to any regulations that may be found necessary for limiting the number of absentees.

VII.—The maximum amount of furlough on private affairs to be taken at any one time carrying pay and retention of appointment, will be two years.

VIII.—A period of at least three years' service after return from last furlough, except furlough under Rule XI., must be completed before furlough can again be taken, unless obtained under medical certificate. (See Rules XIII. and XIV.)

IX.—An Officer will be eligible for two years' furlough on the completion of eight years' actual service in India; for a third year, after a further period of six years' actual service; and for a fourth or fifth year, after similar intervals of six years. The grant of furlough to an Officer eligible for it, will be subject only to the conditions specified in Rules VI. and VII. The fact of having taken furlough on medical certificate will not affect the grant of these furloughs, except as to the conditions laid down in Rules VIII., XIII., and XVI.

X.—An Officer eligible for furlough need not take the whole amount to which his service entitles him, but may apply for any portion thereof as an instalment; and in that case the balance will remain at his credit in any future computation of the amount of furlough to which he may be entitled.

Illustrations.

(1.)—An Officer who has served nine years in India is entitled to two years' furlough. He takes only one year, and after his return remains in India for five years. He is then eligible for two years' furlough as follows:—

Total service in India	... 14 years.
Furlough due on that service	... 3 "
Furlough already taken	... " 1 "
Balance for which he is eligible	... " 2 "

(2.)—An Officer who has served twenty years in India without taking furlough is entitled to four years' furlough. He can only take, however, two years at one time carrying pay, the balance remaining at his credit in any future computation of furlough to which he may be entitled. He can take that balance after completing three years' service from the date of his return from the first instalment.

* **XI.**—Furlough on urgent private affairs for six months with pay equivalent to the British regimental pay of his rank to be extended to a year,

* Advantage cannot be taken of para. XI. in extension of leave on private affairs, or on medical certificate.—*Government Gazette*, 27th November, 1860.

if necessary, may be granted, when the Officer is not eligible for ordinary furlough. The said period may form part of the periods of either eight or six years referred to in Rule* IX.

XII.—Subject to State considerations, there will be no restriction as to the places to which an Officer may resort during furlough.

XIII.—Absence on medical certificate for a longer period than two years at one time, or departure on such furlough within three years of the date of return from a previous furlough, except furlough under Rule XI., will involve forfeiture of appointment. Such furlough may, however, be extended to a third year on English furlough pay.

In the event of an Officer not being able to return to his duty after an absence of three years, it will rest with the Right Hon'ble the Secretary of State for India in Council to order him to appear before a Medical Board, with a view to placing him on the retired list, if entitled to pension, or on the half-pay list.

Should the circumstances of the case warrant a further extension of leave, it can only be granted without pay.

XIV.—An Officer not entitled to furlough, whose health may necessitate his taking it within three years from the date of last return, may, under the usual medical certificate, obtain such amount as may be duly certified to be necessary for the restoration of his health, but will only receive English furlough pay, and must vacate any appointment he may be holding.

XV.—An Officer entitled to furlough, whose health may necessitate his absence from India, will be compelled to take leave as furlough, under Rule IX., but without forfeiting any passage-money to which he may be entitled under Military Fund Rules, or, if a Subaltern, by Regulation, when proceeding on medical certificate.

Any extension of this furlough beyond the period to which he may be entitled under Rule IX., will be regarded, in all respects, as furlough on medical certificate. Such extension will not be allowed to take effect until the Officer shall have exhausted the entire amount of his available furlough on private affairs. If the aggregate of two years' leave is exceeded, the Officer will, after that date, come under the provisions of Rule XIV.

XVI.—The aggregate amount of furlough with pay and retention of appointment, whether on private affairs or on medical certificate, that may be granted to an Officer during his service, will be limited to eight years.

XVII.—If taken in India, furlough will be reckoned from the date of the absentee quitting his station to the date of his return thereto; if taken out of India, from the date of the sailing of the vessel in which he may have embarked to the date of his disembarkation in India.

XVIII.—Preparatory leave to embark for Europe or elsewhere on furlough will be granted for any period not ordinarily exceeding 30 days,

* Rule VIII erased by G. O., No. 798 of 1st February, 1902.

Leave to the same limit, to enable him to rejoin on his return from furlough, will be granted from the date of his disembarkation in India.

XIX.—Furlough allowances shall be payable monthly, if payment is taken in India; and quarterly, if payment is taken in England.

XX.—Advances of furlough pay will continue to be made in India to those Officers who desire it for three months from date of embarkation. Payments, in continuation, will be made in England on the expiration of six months from that date.

XXI.—The last pay certificate issued to each Officer who may be granted furlough, whether on private affairs or on medical certificate, will specify the rate of the pay and staff salary of his last substantive appointment, and the rate to which he will be entitled in Europe in virtue of Rule V.

XXII.—An Officer acting in India for an absentee will be restricted for the entire period of such acting to the half staff salary of the appointment in which he may be acting, in addition to the full pay of his rank, and the half staff salary of his own appointment, if he possess one. * The staff salary granted to an acting Officer, will, however, in no such case, be less than Rs. 100 per mensem.*

XXIII.—The privilege heretofore granted to Military Officers of counting the proportion of leave noted in the margin as service for pension, is retained. The periods of service qualifying for pension remain unaltered.

Illustration of the mode of computing service for Pension in any case.

Total service from date of arrival in India, say ...	Years.	30
Leave—		

	Years.	Months.	
In Europe, say ...	6	7	
In India ...	3	6	
	—	—	10 Years.
Of which he can reckon ...	...	4	
Remaining to be deducted ...	...	6	6
Service counting for pension ...	...	...	24

* The minimum salary of Rs. 100 granted to an acting Officer, includes the half staff of his appointment, if he has one.—G. O., No. 253, of 7th September, 1869, No. 798 of 1st February 1870.

"I am to request, therefore, that, under His Excellency's order, no application for furlough be forwarded to the Government at a date earlier than two months before that fixed by the Officer as the date for the commencement of his leave, accompanied by the requisite pay certificate, bearing date not more than a month earlier."

2. In the case of an applicant whose furlough is not notified within three months from the date of his no-demand certificate, it will be necessary to forward to Army Head-Quarters a fresh no-demand certificate or a guarantee in lieu.

3. As the grant of furlough on private affairs is contingent on vacancies occurring in the number of furloughs allowed, leave of this nature cannot be guaranteed from a specific date, and it is, therefore, essential that the form of application laid down in G. O., No. 81 of 1869, should be closely adhered to on all future occasions.

In publishing, for information and guidance, the annexed extract from Military Department letter, No. 472, of 25th August 1869, relative to applications for furlough on private affairs, the Commander-in-Chief desires to notify to the Officers concerned that they must avail themselves of their furlough within two months from the date of its announcement in G. O.

XXIV.—In computing the furlough on private affairs to which an Officer who has already enjoyed some portion of such furlough will be entitled under these rules, it will be necessary to deduct the total amount of the furlough on private affairs, of which he may have availed himself during his service, from the total periods to which, under Rule IX., he can lay claim. The balance will represent the leave to which he will be entitled on the expiration of not less than three years from his last return to duty.

Illustration.

(1.)—An Officer who had obtained, under the existing rules, two years' furlough after ten years' service, returns to India on the date on which this order is promulgated, he accepts its conditions, and serves four years longer in India. On the expiration of that term, he can take one year's furlough, thus—

Total service in India	...	...	...	14 years.
Leave to which that service entitles him	...	...	...	3 "
Already enjoyed	...	...	...	2 "
Balance	...	...	...	1 year.

(2.)—An Officer of four years' service has proceeded on sick certificate to England for 20 months, extended afterwards to two years. He returns, serves six years in India, takes two years' furlough, and returns to India about the time of the promulgation of these rules, which he accepts. He must serve four years before he can take an additional year's furlough, thus—

Total service up to return from furlough	...	...	...	14 years.
Total service in India	...	...	...	10 "
Furlough enjoyed on that service	2 "

Further period of service to entitle him to one year's furlough

...	4 years.
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CHAPTER II.

General Leave on Private Affairs and Sick Certificate in India.

XXV.—An Officer will be eligible, as at present, to take leave on private affairs or sick certificate in India, for any period not exceeding six months, at the discretion of His Excellency the Commander-in-Chief, or of the Government under which he may be serving. During the entire period of his absence on this account, the Officer will be entitled, as at present, to his full pay and a moiety of his staff salary. Leave taken under this rule will form no part of the eight years' aggregate furlough. If this indulgence should be taken advantage of for a third year consecutively, the Officer will lose his staff appointment.

XXVI.—Leave on sick certificate for a period exceeding six months capable of extension, under renewed medical certificate, to a limit of one year, may be granted to any Officer who, in the opinion of a Medical

Board, may require it. Leave of this nature, taken after the promulgation of these rules, will be held to constitute a part of the maximum period of eight years' leave of absence to which an Officer is entitled in his entire period of service, but will not be regarded as furlough, nor will it affect the intervals entitling to furlough laid down in Rule IX. During this leave, the absentee will draw a moiety of his staff salary in addition to the pay of his rank.*

XXVII.—Short leave, not exceeding three months, on private affairs or sick certificate, may also be taken at sea, on the above condition, but absence from India for any longer period will be treated as furlough.†

XXVIII.—All general leave taken in India counts as part of the leave reckoning against service for pension.

CHAPTER III.

Privilege Leave.

XXIX.—Privilege leave may be granted, as at present, for sixty days in each year, to all Officers in military employ, without deduction from the salaries and emoluments drawn by them. General leave, in extension of privilege leave, can only be granted on the ground of sickness, or some other serious emergency which could not have been foreseen when the Officer proceeded on privilege leave. Privilege leave may, however, be converted into general leave with the sanction of the Commander-in-Chief or the Government.

XXX.—In the case of the stations noted in the margin, privilege leave may, as at present, be granted for ninety days to Officers of local Corps, or of Corps which are usually employed in one or other of the districts named.

Assam.	Bunnoo.
Shillong.	Dera Ismael Khan.
Erlupoor.	Dera Ghazee Khan.
Doolee.	Rajampore.
Kilrwarra.	Jacobabad.
Khotra.	

XXXI.—An Officer is at liberty to proceed wherever he may desire on privilege leave, provided he can ensure his return before the expiration of his leave.

XXXII.—Privilege leave cannot be taken in continuation of furlough, nor can furlough be obtained in continuation of privilege leave. If furlough be obtained by an Officer while absent on privilege leave, the privilege leave will be converted into general leave, the Officer for that period sacrificing a moiety of his staff salary.

Military Officers in Civil Employ.

XXXIII.—Military Officers in Civil or Political employ taking leave in India come, as respects periods of leave obtainable and amount of pay

* If the 12 months' leave on medical certificate, taken under Clause 26, be exceeded, the whole leave must be reckoned as furlough, and the allowance be adjusted accordingly.—G. G. O., No. 869, 19th May, 1869.

† Leave taken under this rule will not be reckoned as furlough, and the absentee will draw a moiety of his staff salary; nor will this leave be included in the 8 years, unless extended beyond 3 months. G. G. O., No. 798, of 1st February, 1869.

Board, may require it. Leave of this nature, taken after the promulgation of these rules, will be held to constitute a part of the maximum period of eight years' leave of absence to which an Officer is entitled in his entire period of service, but will not be regarded as furlough, nor will it affect the intervals entitling to furlough laid down in Rule IX. During this leave, the absentee will draw a moiety of his staff salary in addition to the pay of his rank.*

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XXXI.—An Officer is at liberty to proceed wherever he may desire on privilege leave, provided he can ensure his return before the expiration of his leave.

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Military Officers in Civil Employ.

XXXIII.—Military Officers in Civil or Political employ taking leave in India come, as respects periods of leave obtainable and amount of pay

* If the 12 months' leave on medical certificate, taken under Clause 26, be exceeded, the whole leave must be reckoned as furlough, and the allowance be adjusted accordingly.—G. G. O., No. 559, 10th May, 1869.

† Leave taken under this rule will not be reckoned as furlough, and the absentee will draw a moiety of his staff salary; nor will this leave be included in the 8 years, unless extended beyond 3 months. G. G. O., No. 798, of 1st February, 1869.

to be granted, under the Civil Leave Rules. When they take leave out of India, they come under the Military Leave Rules.

Subsidiary Rule.

XXXIV.—Officers of the Indian Military and Medical Services will be required generally to notify their intention to accept these Rules or to adhere to those now existing, on the first occasion of their taking furlough or general leave after the publication of this order. Such election must be considered final, and under no plea whatever will an Officer be subsequently relieved from the choice thus made.

Officers who may determine to abide by existing Rules will be allowed to proceed on furlough on the conditions laid down in Rules VII., VIII., and XIII., to the extent to which they may be entitled under the Furlough Regulations of 1854, and on the rates of pay contemplated in those Regulations, but retaining their appointments. The principle laid down in Rule XV. must, however, be applied in those cases.

If an Officer under the Furlough Rules of 1790 elects the present Rules, his service for pension will be reckoned under the former Rules up to 1st July, 1868, and thenceforward under the Rules of 1868.

The foregoing Rules take effect from the 1st July 1868, as respects retention of appointments and terms under which leave will be granted, but half staff allowances will not be available for Officers now on leave in cases where the acting Officer has already come into receipt of the full staff salary. Nor can Officers who have vacated appointments which have since been permanently filled up have any claim to be restored to them.

G. G. O., No. 1001 of 1869.—The Military Furlough Regulations of 1868, Rule XVI., having laid down that the aggregate amount of Furlough, with pay and retention of appointment, whether on private affairs or medical certificate, that may be granted to an Officer during his service, shall be limited to eight years, it has been now decided by Government that the following will not form a part of the aggregate of eight years:—

I.—All leave taken as local leave (not being furlough) in India.

II.—All leave necessitated by wounds received in action, or by sickness contracted on field service, which may have been or may be allowed as service for pension under the provisions of G. G. O., No. 1118 of 1867.

III.—All leave duly granted to England, or extension of furlough on leave on medical certificate granted in England, *if without pay*.

IV.—All sick leave to England that may have been taken under the Rules of 1790 on the old rates of furlough pay.

V.—All sick leave granted to the Colonies eastward of the Cape of Good Hope under the Rules of 1790.

But the following will form part of the eight years referred to:—

I.—Furlough with pay on private affairs under whatever rules it may have been taken.

II.—Leave to England on medical certificate, with pay, under the Furlough Rules of 1851.

List of the Principal Returns required to be furnished from the Adjutant's Office of a Native Infantry Regiment.

No.	Description.	Number of Copies.	To whom sent.	Authority.	When due.	REMARKS.
	ANNUAL RETURNS.					
	Annual Return of Sickness, Mortality, and Invaliding ...	Single ...	Adjutant General's Office, Simla, through Brigade Office...	Section III, Standing Orders, Native Infantry	1st Jany.	
	Descriptive Rolls of Candidates for employment in the Public Works Department ...	Ditto ..	Ditto	Adjutant General's Circular, No. 63 n, dated 27th March, 1865, and No 90, dated 27th Nov, 1867.	Ditto.	
	Descriptive Roll of European Non-Commissioned Officers...	Ditto ...	Ditto	G O, C C, 26th December, 1864	Ditto.	
	Statements of European Officers' Service ...	One for each Officer	Adjutant General's Office, Simla, direct	Section III, Standing Orders, Native Infantry.	Ditto.	
	Annual Return of Musketry Practice ...	Single ...	Chief Inspector of Musketry, Simla, through Brigade Office ..	G O., C C, 20th Feb., 1865; and G. O. No 177, dated 30th July, 1867..	1st April.	

Description.	Number of Copies.	To whom sent.	Authority.	When due.	REMARKS.
ANNUAL RETURNS.— <i>Contd.</i>					
Roll of Native Commissioned, Non-Commissioned Officers and Sepoys to be invalided for transfer to Pension Establishment ...	Duplicate	To Staff Officer of Station at which Committee assemblies ...	Art. 8. Part II., Sec. XLIV., Military Regulations ...	To be despatched on the day the men leave their own station.	
Roll of Short Service Men recommended for discharge on account of physical unfitness	Ditto	Ditto	G. G. O., No 87, dated 25th June, 1866.	Ditto.	
Descriptive Roll of two Native Officers recommended for the Order of British India ...	Ditto	Adjutant General's Office, Simla through Brigade Office...	Art. 7, Section XLIX., Military Regulations ...	1st May.	
Annual Guard Return, shewing Strength of Guards of Regiments and number of nights in bed enjoyed by each rank ...	Single	Ditto	A. G. I.'s C. Nos. 43 n and 138 n, of 1864, & G. O., C. C., 8th July, 1864 ...	1st June.	
HALF-YEARLY RETURNS.					
Return of Unemployed Officers.	Ditto	To Asst. Adj. Genl. of Division, through Brigade Office ...	Adjutant General's Circular, No. 3025, dated 24th June, 1862.	1st Jan. & 1st July...	(To enable the Assistant Adjutant General to complete the Divisional Return.)
Return of Movements of Corps and Detachments ...	Ditto	Quartermaster General's Office, Simla, through Brigade Office...	G. O., C. C., 13th July, 1865.		

QUARTERLY RETURNS.		Ditto	Brigade Office...	{ G. O., C. C., 3rd February, 1862...	{ 1st Jan., 1st April, 1st July, & 1st Oct. ... }	Ditto.
Return of Military Escorts						
Nominal Roll of European Officers of Army List ... }		Ditto	{ The Secretary, Military Depart- ment, Calcutta...	{ G. O., No. 25 of 1866 ... }	{ 15th March, 15th June 15th Sept., and 15th Decr. ... }	{ For Army List
MONTHLY RETURNS.		Ditto	{ Adjutant Ge- neral's Office, Simla ... }	{ Section III, Standing Orders, Native Infantry...	{ 1st of the month.	
Monthly Return						
Ditto		Ditto	{ Divisional or District Head Quarters ... }	{ Ditto	{ Ditto.	
Ditto		Ditto	{ Brigade Office..	{ Ditto	{ Ditto.	
Copy of Regimental Orders		Ditto	{ Ditto ... }	{ Ditto	{ Ditto.	
Distribution Return		Ditto	{ Ditto ... }	{ Ditto	{ Ditto.	
Disposition Return		Ditto	{ Quarter-Master General, Head Quarters, direct.. }	{ Ditto	{ Ditto.	
Staff Muster Roll and General State of Accounts, with Muster Rolls and Pay Abstracts of Wings ... }		One of each	{ To the Pay Master of Circle.	{ Ditto	{ As soon after 1st of the month as possible.	

N. B.—Certain other Monthly and Weekly Documents are required in different Divisions and Brigades.

List of the Principal Returns required to be furnished from the Quarter-Master's Office of a Native Infantry Regiment.

No.	Description.	Number of Copies.	To whom sent.	Authority.	When due.	REMARKS.
1	ANNUAL RETURNS. Indent for Practice Ammunition	Single	The Assistant Insp.-Genl. of Ordnance direct	G. O., No. 37 of 1866	1st April	
2	Annual Report of Bazar	Ditto	The Qr.-Master Genl., Head Qrs., through Depr. Asst. Qr.-Master Genl. of the District	Para 19, Sec. VI, Military Regs. & G. O., No. 36 of 1867	Ditto.	
3	Indent for Bedding	Duplicate	The Commissariat Dept. direct	Sec. VII, page 33, Military Regulations	About 1st September.	
4	Indent for Clothing	Ditto	The Supdt. and Agent, Army Clothing, direct	Para. 57, Sec. III, page 17, Clothing Regs.; and G. O. C. C., of 8th Aug., 1862	1st January.	
5	Distribution Statement of Clothing.	Ditto	Army Clothing Dept., direct.	...	After issue of clothing.	

HALF-YEARLY RETURNS.					
6	Return of Arms, Accoutre- ments, Tools, and Stores, &c.	Single ...	The Examiner, Ordnance Accs., direct	Para. 41, Sec. III, page 13, Mil- itary Regs.; and G. O. No. 155 of 1866 ...	1st April and 1st Oct.
7	Indent for Stores, &c., to com- plete, with copy of Survey Report MONTHLY.	Duplicate	Insp.-Genl. of Ordnance, direct	Ditto ...	Ditto.
8	Report on Ammunition and Magazine	Single ...	Brigade Office	A. G.'s Circular, No. 6166 of 1862 ...	1st of each month.

0'	28°	30'	30°	0'				
M.	II.	M.	II.	M.				
63	6	54	6	58				
52	6	53	6	57				
50	6	51	6	54				
47	6	48	6	51				
45	6	46	6	48				
42	6	43	6	46				
37	6	38	6	41				
33	6	34	6	36				
28	6	29	6	31				
25	6	26	6	27				
22	6	23	6	23				
18	6	19	6	20				
15	6	16	6	16				
12	6	12	6	13				
9	6	9	6	9				
4	6	4	6	5				
0	6	0	6	0				
56	5	59	5	55				
51	5	51	5	51				
48	5	48	5	47				
45	5	44	5	44				
42	5	41	5	40				
38	5	37	5	37				
35	5	34	5	33				
32	5	31	5	29				
27	5	26	5	24				
23	5	22	5	19				
18	5	17	5	16				
15	5	14	5	12				
13	5	12	5	9				
10	5	9	5	6				
8	5	7	5	3				
7	5	6	5	2				
					July ...	21 10 31 25 26 15 8 1	June. May	Sun Sets.
					Augt. ...	18 23 27 31	24 20 15 11	April
					Sept. ...	4 8 21 17	7 3 30 25	March.
					Oct. ..	11 15 19 23	2 26 22 18	Feb.
					Nov. ...	27 3 9 16	14 8 1 25	Jan.
					Dec. ...	21 26 2 10 21	20 15 9 1 2	

ove the horizon.

TABLE Shewing Daily Rates of Income, &c., calculated at various Monthly Incomes.

Days	4 As.		8 As.		12 As.		1 Rupee.		2 Rupees.		3 Rupees.		4 Rupees.		5 Rupees.		6 Rupees.		7 Rupees.		8 Rupees.		9 Rupees.		10 Rupees.		12 Rupees.		15 Rupees.		20 Rupees.		25 Rupees.		30 Rupees.		40 Rupees.		50 Rupees.		Days							
	A.	P.	A.	P.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.						
1	0	1	0	3	0	4	0	0	6	0	1	0	0	1	7	0	2	1	0	2	8	0	3	2	0	4	3	0	4	9	0	5	4	0	6	0	10	8	1	0	0	1	5	4	1	10	8	1
2	0	3	0	6	0	9	0	1	0	0	2	1	0	3	2	0	4	3	0	5	4	0	6	4	0	7	5	0	8	6	0	9	7	0	10	8	1	1	0	2	0	0	2	10	8	2		
3	0	4	0	9	1	2	0	1	7	0	3	2	0	4	9	0	6	4	0	8	0	0	9	7	0	11	2	0	12	9	0	14	4	1	0	0	1	7	2	0	0	3	0	0	3			
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13	1	8	3	5	4	9	0	6	11	0	13	10	1	4	9	1	11	8	2	2	8	2	9	7	3	0	0	3	7	5	4	14	4	4	5	4	6	14	11	8	10	8	13	0	0	13		
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26	3	5	6	11	10	4	0	13	10	1	11	8	2	9	7	3	7	5	4	5	4	5	3	2	6	1	0	6	14	11	7	12	9	8	10	8	13	13	10	17	5	4	26	0	0	26		
27	3	7	7	2	10	9	0	14	4	1	12	9	2	11	2	3	9	6	4	8	0	5	6	4	6	4	9	7	3	2	8	1	7	0	0	0	14	4	4	18	0	0	27	0	0	27		
28	3	8	7	5	11	2	0	14	11	1	13	10	2	12	9	3	11	8	4	10	8	5	9	7	6	8	0	4	9	5	4	14	14	11	18	10	8	28	0	0	28	0	0	28				
29	3	10	7	8	11	7	0	15	5	1	14	11	2	14	4	3	13	10	4	13	4	5	12	9	6	12	3	7	11	8	8	11	2	0	10	8	15	7	5	19	5	4	29	0	0	29		
30	4	0	8	0	12	0	1	0	0	2	0	0	3	0	0	4	0	0	5	0	0	6	0	0	7	0	0	8	0	0	9	0	0	10	0	0	10	0	0	20	0	0	30	0	0	30		

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